

University of Nebraska at Kearney

## OpenSPACES@UNK: Scholarship, Preservation, and Creative Endeavors

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Faculty Senate Packets

Faculty Senate

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4-30-2020

### Second April 2020 Faculty Senate Packet

University of Nebraska at Kearney Faculty Senate

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7PM – 30 April 2020  
(via Zoom Teleconference)

Faculty Senate Website:  
[http://www.unk.edu/committees/faculty\\_senate/index.php](http://www.unk.edu/committees/faculty_senate/index.php)

- I. Call to order
- II. Roll Call
- III. Approval of Agenda
- IV. Action on Faculty Senate Minutes:
- V. Special Presentations
  - A. Presentations: Karl Borden, Ph.D. Chair of Professional Conduct and Grievance Committees  
Review of the updated procedures for grievances in Professional Conduct, Grievance, and Academic Freedom and Tenure
- VI. Reports of Faculty Senate Standing Committees
  - A. Oversight Committee: Elections for the 20-21 Oversight and Executive Committees
  - B. Executive Committee: **22 April 2020**
  - C. President's Report: **30 April 2020**
  - D. Academic Affairs: **16 April 2020**
  - E. Academic Freedom and Tenure Committee:
  - F. Academic Information and Technology Committee: **10 Oct 2019, 11 Nov 2019, 6 Dec 2019, 13 Mar 2020, 10 April 2020**
  - G. Artists and Lecturers Committee: **23 April 2020**
  - H. Athletic Committee:
  - I. E-campus Committee:
  - J. Faculty Welfare Committee: **2 April 2020**
  - K. Grievance Committee:
  - L. Library Committee:
  - M. Professional Conduct Committee:
  - N. Student Affairs Committee:

- VII. Reports of Senate Representatives to Non-Senate Committees
  - A. Assessment Committee:
  - B. Women, Gender and Ethnic Studies Advisory Committee:
  - C. International Studies Advisory Council:
  - D. Parking:
  - E. Safety Committee:
  - F. World Affairs Conference Committee:
  
- VIII. Reports from Academic Councils
  - A. Graduate Council: **9 April 2020**
  - B. General Studies Council: **2 April 2020**
  - C. Council on Undergraduate Education:
  - D. Student Success Council:
  - E. Equity, Access, and Diversity Committee
  
- IX. New Business
  - A. Plan of Action: Dr. Martonia Gaskill
  - B. Resolution
  
- X. Unfinished/Old Business
  - A. Super-committee report (see presentation)
  - B. Faculty Welfare report on Bullying Prevention
  
- XI. General Faculty Comments
  - A. David-Stevenson Faculty Senate Distinguished Service Award
  - B. Summer responsibilities
  
- XII. Adjournment

Faculty Senate April 2, 2020

#### Agenda Approved

Louishomme  
Ye Su

#### Minutes Approved

Louishomme  
Donofrio

#### Attendance:

Present: Dawn Mollenkopf, Greg Brown, Ron Konecny, Ted Larsen, Ye Su, Bryce Abbey, Martonia Gaskill, Miechelle McKelvey, Marissa Fye, Sam Rapien, Jon Dettman, Ford Clark, Anthony Donofrio, Denys Van Renen, Chris Steinke, Derek Boeckner, Claude Louishomme, Mike Moxley, Nick Hobbs, Jeremy Armstrong, Megan Strain, Timbre Wulf, Kurt Borchard, Jeremy Dillon, Laurinda Weisse, Christina Sogar

Absent: Alejandro Cahis, Dale Porter, Matt Miller, Matthew van den Berg, Pat Hoehner

#### Special Presentation

Chancellor Kristensen

Said our campus is best suited to go to remote learning and appreciates the flexibility of our faculty

Talked about the decision to move commencement to July

Possibility of having folks walk at other times of their choosing as well

Recruiting has shifted to contacting students individually

NSE will not happen for the first few weeks

We may open the residence halls if needed for hospital beds

Less than 400 people left on campus, going to move them into one or two buildings

It's going to be hard for our international students to get home

Senator Brown asked about rumors about classes going online permanently

Chancellor Kristensen said some things are being looked at but the fundamental values of our campus are that we meet face to face

Senator Gaskill thanked the Chancellor for the trust

The Chancellor said that he believes our students are continuing to get the education they're paying for

Roger Davis thanked the Chancellor for his leadership, and said he hopes the administration is comfortable with asking the faculty for what they need

The Chancellor said he's hoping for help from the government but isn't "banking" on it

There will be some opportunities for UNK, we have to figure out what those are

Jeff Kritzer asked if the Chancellor had any influence with the governor

The Chancellor said they need to listen to the experts and do what is recommended

Senator Dillon asked if there was any timeline on the budget

The Chancellor said he guesses the second quarter will go down, we should know by August about new students

Senator Louishomme asked about the fall and if there will be any type of hold on the fall

The Chancellor said we are so focused on the present that we haven't thought about the fall, but we need to start thinking about it soon

Senator Steinke asked about the Experiential Learning and the catalogue change.

Beth Hinga said that it will be in the catalogue in Fall 2020. Most of these classes will be at the junior and senior level.

#### New Business:

Bullying prevention—Faculty Welfare Committee is working on. Looking into other policies. Will have a summary soon.

Supercommittee—Chairs of several committees. Looking at wording of things, making sure it is all clean and language is all

consistent. Should all be ready for the April 30 Faculty Senate meeting. The goal is to make everything clearer.

Senator Gaskill asked why this was necessary, President Mollenkopf explained that it was necessary because things were getting really muddy with the wording in a lot of documents as to whom was in charge of what.

President Mollenkopf's End of Year Report

See PPT

Ended the meeting with a Resolution for Ron Konecny for outstanding service and leadership.

President Mollenkopf

Nominations for *DAVID STEVENSON FACULTY SENATE*

*DISTINGUISHED SERVICE AWARD*

Senator Brown said GSC revision voting will be next week. Encourage colleagues to read and vote.

Adjournment

Abbey

Louishomme



### President's Report for April 30<sup>th</sup>, 2020

Board of Regents' meetings: 4-17-20 via Zoom (abbreviated meeting—no presentations)

- Student Regent Resolutions
  - Recognition for Regent Nicole Kent, UNK
  - Recognition for Regent Emily Johnson, UNL
  - Recognition for Regent Keith Ozanne, UNMC
  - Recognition for Regent Aya Yousuf, UNO
- Items for vote: approved updates to the Regents' Scholarship Criteria
- President Carter
  - Thanked the campuses for their work to move quickly to remote learning
  - Acknowledged projects from each of the campuses to respond to the COVID-19 pandemic
  - Delayed the roll-out of the strategic plan to summer
  - Introduced the Nebraska Promise scholarship
  - Will continue to keep campuses informed on the pandemic—NU system to emerge on the other side of the pandemic—Nebraska strong

Other items of interest:

- Provost Fritz met with the Faculty Senate Presidents to review a memorandum that will update and clarify wording (e.g. include definitions) on the conflict of interest policies to make these less confusing when people fill out these forms

Executive Committee Meeting:

- April 22: The Executive Committee met to discuss planning for the April 29 meeting with the Cabinet and the April 30<sup>th</sup> Faculty Senate meeting
- 

Faculty Senate Executive Committee & Chancellor's Cabinet Meeting:

- April 29: oral report

**Faculty Senate Academic Affairs Committee  
Minutes from Meeting  
Thursday, April 16, 2020  
Meeting held via Zoom / WRNH 2147**

**Present:** Debbie Bridges (CBT), Bailey Koch (COE), Derek Boeckner (FS), Joel Cardenas (AA), Ralph Hanson (CAS), Lisa Neal (REG), Kate Heelan (COE), Lindsay Brownfield (LIB), Mark Ellis (AA), Truman Lauck (Student Senate),

**Absent:** Julie Shaffer (CAS), Steven Hall (CBT), Trevor Daubert (Student Senate)

**Guest:**

\*\*\*\*\*

Bridges called the meeting to order at 3:33 pm.

Bridges welcomed Committee members and, recognizing that the meeting was being held using Zoom, requested everyone's patience. Bridges reminded the Committee that a quick turn-around on the minutes would be appreciated as Faculty Senate will be meeting early next week. Bridges also reminded everyone that although this is the last meeting of the year, terms continue through the September meeting in fall 2020. Koch requested that individuals identify themselves when making / seconding motions to ensure accuracy in the minutes.

Hanson (Boeckner) moved approval of the agenda. Motion carried.

Discussion moved to items discussed during FSAA Subcommittee meeting. Bridges noted that the agenda items were fairly routine and no issues / concerns were raised at the Sub-committee meeting.

Hanson (Boeckner) moved approval of agenda items #110 through #121. Motion carried.

Bridges thanked everyone and wished them a healthy and safe end to the spring semester.

Brownfield (Heelan) moved to adjourn at 3:39 pm.

Respectfully submitted,

Bailey Koch, Scribe

Approved via email (April 20, 2020)

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2019-2020 ACADEMIC AFFAIRS SUBCOMMITTEE MEETING

Academic Affairs Subcommittee 4/8/2020

Academic Affairs Full Committee 4/16/2020

NUMBER, REQUEST, LEVEL, SPECIFIC REQUEST, DEGREE/COURSE, PROGRAM/COURSE, TITLE, DEPT, COL, REASON

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#110, Create, Minor, Behavioral and Mental Health Minor, SOC, CASC, This interdisciplinary minor in Behavioral and Mental Health is a timely topic that may appeal to students in any major across campus. It will provide valuable and applicable insight into behavioral and mental issues that would be beneficial to any graduate in any profession. The courses in this program are already in existence. Therefore, it will not have a budget impact since it does not require additional faculty or course development. Students in this program may choose to go on and pursue a variety careers in behavioral and mental health, however, this is important content and will help raise awareness for any graduate as they pursue their career.

#111, Alter, Program, Agribusiness Comprehensive, B.S., AGBS, CBT, Changing the Agribusiness Internship currently listed as ECON 475 to AGBS 475 to reflect the appropriate department prefix in the Major Electives.

#112, Alter, Course, Course Type, Course Taken for Credit Multiple Times, Prerequisites, CHEM 300, Environmental Chemistry, CHEM, CASC, Because of accreditation, we need this course to count as an advanced chemistry course. To do so it needs to have a chemistry course prerequisite other than general chemistry. The course originally required organic chemistry as a prerequisite. We are re-establishing that; Change in course type, Old Value: Lecture, Laboratory, New Value: Lecture; Change in if course can be taken for credit multiple times, Old Value: Yes, New Value: No; Change in prerequisites, Old Value: Grade of C or above in CHEM 161 and CHEM 161L, New Value: CHEM 250 and 250L OR CHEM 360 and 360L.

#113, Alter, Course, Prerequisite, CHEM 470, Advanced Organic Chemistry, CHEM, CASC, Adjusting prerequisite to include minimum required grade of C; Change in prerequisite, Old Value: CHEM 361 and CHEM 361L, New Value: C or better in CHEM 361 and CHEM 361L.

#114, Alter, Course, Title, Course Description, CHEM 482, Survey of Physical Chemistry, CHEM, CASC, The instructor teaching the original course is no longer available. We are removing references to biochemistry to make the teaching of the course more flexible. The change in the title reflects more properly the content of the course; Change in course title, Old Value: Physical Chemistry for the Life Sciences, New Value: Survey of Physical Chemistry; Change in course description, Old Value: A single semester survey of physical chemistry with a Biochemistry emphasis. Topics include thermodynamics, kinetics, and structure, spectroscopy of biochemical systems. Three lectures per week, New Value: A single semester survey of physical chemistry. Topics include thermodynamics, kinetics, atomic and molecular structure, and spectroscopy. Three lectures per week. Offered Fall of even years only.

#115, Alter, Course, Title, Course Type, CHEM 499L, Research in Chemistry, CHEM, CASC, To meet the requirements for the new workload policy, the course type is being changed to Independent study. It is important for the students and accreditation that the course retain its "L" designation as the students still complete 45+ hours of laboratory work in the course per credit hour. In addition, the title is being changed to reflect the work completed in the course; Change in course title, Old Value: Problems in Chemistry, New Value: Research in Chemistry; Change in course type, Old Value: Laboratory, New Value: Independent Study.



#116, Alter, Course, Prerequisites, CYBR 458, Computer Security, CYSY, CBT, We are modifying prerequisites based on the merger of departments; Change to prerequisites, Old Value: CYBR 150 or CYBR 345 or CYBR 448, New Value: CYBR 101 or CYBR 102 or CYBR 103 or CYBR 335 or CYBR 448.

#117, Alter, Course, Prerequisites, CYBR 485, Information Systems Strategy and Management, CYSY, CBT, We are modifying prerequisites based on the merger of departments; Change in prerequisites, Old Value: Junior standing, New Value: Junior or Senior standing.

#118, Alter, Program, Multimedia B.A., COMM, CASC, To add more flexibility to reflect the changing nature of the multimedia job market the portfolio is a requirement for all JMC majors. A few years ago, for some reason, it was removed. We are simply putting it back so the requirement is clear and in line with the other JMC Majors.

#119, Alter Program, Alter, Program, Multimedia B.S., COMM, CASC, To add more flexibility to reflect the changing nature of the multimedia job market the portfolio is a requirement for all JMC majors. A few years ago, for some reason, it was removed. We are simply putting it back so the requirement is clear and in line with the other JMC Majors.

#120, Inactivate, Course, PSY 317L, Biopsychology Laboratory, PSY, CASC, We no longer offer 1 hour lab sections within our major.

#121, Alter, Course, Title, Course Description, Prerequisites, SPCH 450, Language and Social Change, COMM, CASC, Enrollments for SPCH 450 currently called "Language, Thought and Action" have been dropping for a couple of years now. A brief survey of students on why they were not excited to take the class even though it is one of the required courses for their degree, indicates that the nomenclature "Language, Thought and Action" is confusing to students. The students indicated they were unfamiliar with what the course entails and how they could align it with future career goals. The updated name will be less confusing in regard to what is to be expected in the class and will be in line with current trends in social development lingo. In addition to a textual/discourse analysis (language research methodology) approach, the course will include a critical research component that looks at the political economy of language vis-a-vis social change at regional, national and global levels. The course description and name updates will help to boost enrollment as we hope to attract not only communication majors but students from other departments such as political science, social studies and international studies eyeing a career in social development; Change in course title, Old Value: Language, Thought & Action, New Value: Language and Social Change; Change in course description, Old Value: Students will study how people use language to exchange meaning, influence one another, and accomplish goals as a fundamental aspect of social interaction in any context. The focus of the course is on different theoretical perspectives used to understand language and different methods of examining social interaction, New Value: The course introduces students to the role of information, communication and the media in development and social change. To put development into context, the course looks at theories in development and how these have influenced the different development communication approaches used at various times. Students will explore: the concept of participatory communication; global debates about development; the digital divide; development policy frameworks at the global, regional and national levels. Communication of issues pertinent to sustainable development will be addressed including environment, population, gender, poverty and conflict management; Change in prerequisite, Old Value: SPCH 252 or instructor approval, New Value: SPCH 252

## **Academic Information Technology Committee Minutes**

October 9, 2019

1pm, COE B155

All members were present except Ross Taylor and a student senate representative.

### **Assistant VP and CIO report**

Andrea stressed the importance of communication about technology within the new UNK and NU organizational structure.

The Help Desk is still the first stop for IT issues/questions.

Jane Peterson and Andrea Childress are other individuals who can assist with technology issues.

Andrea plans to distribute a service catalog detailing hierarchy of IT services.

### **Other**

Martonia discussed the need for a solution to the Faculty Senate's archiving needs (as well as other committees' archiving needs). Does the archive need to be searchable? It was decided that the archive should be open to faculty/staff within the NU system but needn't be publicly accessible, as long as materials can be made public if necessary. The idea was floated that Box might be a good access point for committee archives.

Martonia will reach out to the student senate, re: a student representative for AIT committee.

Phu will sent out Google Doc to set up next meeting.

Also discussed was the nature of the relationship between eCampus and individual UNK departments.

### **Committee appointments**

Phu volunteered for chair, taking over for Bobbi-Jean.

Seth volunteered to continue as secretary.

## **Academic Information Technology Committee**

### **November 11, 2019**

Phu, Ross, Andrea, Janet, Seth, Martonia were all present.  
Emily E. is the new student representative (not present).

#### **CIO Report**

Andrea noted that certain tech help people might be on Lincoln campus rather than UNK campus. Help Desk still best way to get routed to appropriate assistance. Organizational chart for key ITS staff/services is still an open project.

Dr. Hinga (dean of students) discussed retention councils, and the use of Degree Works. Dr. Fritz wants to update from Degree Works to You Achieve to better show students how courses transfer across institutions. I-Pass (Integrated Planning and Advising for Student Success) a new methodology that will be adopted to improve student retention. No timeline yet for shutting down Degree Works, however.

New gender values will be rolled out for various student databases (no longer binary M/F). Deans of Diversity and Inclusion are seeking stakeholders who can provide feedback on best practices for new gender coding schemes. Andrea asked if Faculty Senate has a diversity/inclusion committee; Martonia informed us that there is not any such committee.

Big Ideas, university-wide impact program announced: Student Affordability initiative (open access textbooks); Student Accessibility initiative (software for everyone, regardless of disabilities). UNK News will be releasing information about these initiatives, inviting people to get involved.

#### **Other Questions and Issues**

2-Factor authentication/single sign-on for all university access points: How is it going? Not all apps are completely unified with a single login (e.g., Jabber). Also, users will lose authentication if they switch browsers. However, most people are very pleased with needing only one password, not needing to change passwords frequently.

Should Help Desk tickets be created even for issues addressed by department-level tech coordinators? Probably: Help Desk tickets allow administrators to allocate resources according to actual work loads and tech issues.

Ross brought up need to make sure that links to IT websites are up-to-date in syllabi, etc. Some old URLs are no longer active. Andrea noted that some pages have been taken down, due to inactivity over multiple years.

Phu will create a Box archive for the AIT Committee.

Phu asked about protocol if an external website, assigned for class, gives a virus to a student's computer. Andrea said that opening URLs in Canvas will offer protection; Help Desk can also create a ticket to help a student dealing with malware or viruses.

Some questions were raised about Announce vs. Employees email lists. Users can opt-out of Announce list.

Employee list cannot be opted-out, and it is not open for general announcement use. Nature of what should be allowed/not allowed on Announce was discussed.

Budget cuts: Discontinuing 4 WEPA print stations? College of Ed: 1400 pages in last year; Otto Olsen = 2000 pages; Student Affairs = 7000 pages. Compare to Library print stations = 50+k pages. The less frequently used stations will be shut down.

Phu will send out another Google poll for next meeting.

Thane Webb; communications, is the contact to update faculty websites.

Ross reiterated the need to keep communications open about technology issues.

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## Academic Information Technology Committee Meeting

December 6, 2019.

Present: Janet Wilke, Phu Vu, Seth Long, Martonia Gaskill, Emily E. (student representative)

Also in attendance were Andrea Childress and another UN ITS vice president.

### **Vice President's Report**

Andrea shared the NU ITS Strategic Plan. The IT Accessibility initiative was emphasized: the goal is to systematically ensure that all newly adopted tech platforms meet legal accessibility standards (e.g., subtitles for all videos).

She asked for feedback on best practices for encouraging adoption of Duo 2-Factor authentication among faculty and students.

--One idea floated is to utilize FAQ pages and self-help materials customized for each campus, showing students how to set up Duo.

--A second idea was to utilize pop-up workshops with IT staff who help people enroll.

Emily suggested that a mandatory roll-out date would be several weeks into the semester; they will be too preoccupied with other matters at the beginning and end of semesters.

### **Other Business**

Ross pointed out studies showing that learning via screen does not aid student learning as robustly as more physical media for information (i.e., books). How does transition to online education impact student learning? Widespread agreement about the need for longterm, quantitative study of this issue at UN.

Ross asked if Microsoft Teams would be supported by NU at some point. Andrea answered that adopting Teams is on the horizon but ITS is not yet prepared to offer support for NU faculty using Teams to work with people outside the NU system.

### **March 13 2020 AIT Meeting**

Meeting location: College of Education

Members present: Andrea Childress; Phu Vu; Ross Taylor; Martonia Gaskill; Morgan Daubert (new student representative); David Arredondo(in for Janet Wilke); Bobbi Ludwig (via speaker phone); Seth Long.

Morgan is our new student representative. David (Collections Librarian) was attending for Janet, who had an emergency meeting.

### **Andrea's report from IT Services:**

Preparing for coronavirus response is the primary agenda of IT services.

IT is not expecting any major service interruptions as university goes online only.

No need for students or faculty to be connected to VPN for any web-based services. Requesting faculty/staff not to use VPN as a general rule.

UNK's coronavirus website will be updated with a FAQ for IT services, including VPN access issues. "Keep learning, keep teaching" will be the main message. There will also be an open Canvas course via this link showing faculty how to use Canvas.

IT plans to create a dashboard to monitor usage and performance. Human resources will likely be re-allocated as new needs arise.

71 faculty not using Canvas. Do they know how to use it? IT priority is to assist these faculty in particular.

DUO mandate: Lincoln and Omaha relaxing date for two-factor access; UNK **not** changing date; March 23<sup>rd</sup> still the final date for everyone to sign up for DUO. "2-Factor Tuesday" Zoom meeting next Tuesday, the 17<sup>th</sup>, will target people who have not yet signed up.

### **Other discussion and reports:**

Morgan: RA's will be prepped to work food service etc. to serve students who remain on campus (primarily will be international students)

Bobbi: Library's Sierra platform does require VPN access. But only a few staff would potentially need to access it at any given time, if they must work from home.

Morgan: Would appreciate if faculty push off due dates and midterms, as students figure out plans for leaving campus

David: Libraries planning to stay open

Bobbi: Library has 19 laptops/devices to loan out for student use

## **April 10 2020 Academic Information Technology Committee Meeting**

Meeting location: Via Zoom

Members present: Janet Wilke, Andrea Childress, Ross Taylor, Bobbi Ludwig, Phu Vu, David Arredondo, Seth Long, Morgan Daubert.

### **Andrea's report from IT Services:**

Andrea sought feedback on the status of UNK's online-only teaching/learning/working. Feedback highlights and reports: Systems (Canvas, VidGrid, Zoom) have been solid. Everything's gone well with IT infrastructure and access.

Phu reports that he has heard no complains/issues with remote teaching and learning from COE faculty.

Bobbi reports that she is still getting tech questions from students and faculty.

Ross reports that half of students showing up, good online discussion. Asks if the "no hard deadlines" approach is perhaps not a good idea for low motivation students.

Janet reports that the library has loaned all their laptops and even loaned out desktops from the public floor. Some student technological needs continue to be difficult to meet. Primary concern is internet access in the panhandle and Sandhills as well as some students lacking library access in urban areas.

David shared a very helpful link showing Nebraska library closures and which libraries are still offering free WiFi access in their parking lots.

Morgan suggests that Dr. Bicak find a way to recognize faculty who have done an excellent job with online teaching. She also notes, however, that timed tests are an issue for students with wifi issues. Taking timers off for these students would be very helpful.

There were VPN issues on March 23<sup>rd</sup>, but that issue has been addressed.

Zoom security continues to be a special focus. IT has posted guidelines for Zoom safety and security (e.g., use waiting rooms and passwords).

Other discussion:

2 Factor Authentication is now up and running for everyone. Ross reported that some students may still be able to access email without 2FA. Andrea will look into this issue (which does not appear to be widespread).

Ross asked if it would be possible to move all courses to credit/no credit grading system. Janet said this would be a question for dean's council. April 24 is the current deadline for students to change their grade to pass/fail.

Bobbi says there is some confusion about online summer classes; when was this decided? Some people are hearing about the announcement re: summer courses at different times.

Ross is worried about Help Desk being limited with certain labor-intensive tech issues; could there be a more advanced Help Desk? Good attitude and effort from Help Desk, but sometimes problems are above their expertise.

Andrea notes that here are already escalation process at Help Desk. A solution for advanced problems is keep the names of specific service providers and ask for their help initially when calling. Can ask for specific providers' advanced help.

Ross and Bobbi: Certain admin/server settings seem to limit various apps (Zoom, Box, etc.); more control over settings would be valuable. Some type of "early adopter" request form.

David notes that MS Teams has been successfully used by library; there was some discussion on the different merits of Teams vs Zoom.

Next AIT meeting will be May 8 2020

## Artists and Lecturers Meeting

April 23 2020

Present: Tommy McFarland, Ford Clark, Mischele McKelvey, Michelle Beisel Heath, Michelle Fleig-Palmer, Glen Tracy

Ford will look into a replacement for Tommy and find out how he is replaced, as Tommy is no longer on Student Senate

We don't pay for people to come from UNL, so the request from Geography will not be considered

Voting on funding for proposals (not specific amounts, see attached Excel spreadsheet):

1. OK
2. OK
3. NO (We don't fund speakers/events from UNL)
4. OK
5. OK
6. Will reapply in the fall
7. Find date, location, coordinate with Music, please be more specific, perhaps look into outreach; ask to reapply in the fall
8. OK
9. OK
10. OK
11. OK
12. OK

The committee accepted #12's proposal even though it was submitted 20 hours late, because of the fact that we are in extreme times.

Each request will receive \$1000

Noelle Bohaty  
Anthony Donofrio  
Ting-Lan Chen

Will each receive an extra amount to help because they have extra expenses (to total \$10,000 for the amount given out). Amounts will be given with the presumption that all events will be live and in person.

### Artists and Lecturers proposals first round for 2020-2021

StartDate Start Date	RecordedDate Recorded Date	Q1 Faculty Name	Q2 Department	Q3 Campus Address
4/7/20 19:44	4/7/20 20:14	Julie Agard	Teacher Education	College of Education Building, Room B-167
4/8/20 13:59	4/9/20 8:42	Timbre Wulf	Criminal Justice	Warner Hall 2212
4/10/20 9:20	4/10/20 9:36	jason combs	geography	203 copeland hall
4/10/20 15:46	4/10/20 16:01	John M. Petzet	Music	236 FAB 2506 12th Ave.
4/11/20 12:59	4/11/20 13:17	Ting-Lan Chen	Music	FAB 247
4/11/20 19:30	4/11/20 19:35	Glenn Tracy	TE	158 COE Building, West 24th
4/13/20 19:09	4/13/20 19:24	Abner Flores	Industrial Technology	2508 12th Avenue, Otto Olsen 130G Kearney, NE 68849
4/15/20 7:12	4/15/20 7:30	Anthony Donofrio	Music, Theatre, and Dance	245B Fine Arts Building
4/15/20 12:41	4/15/20 13:24	Nadine Stuehm	Social Work	2020 Warner Hall, UNK Campus
4/15/20 14:53	4/15/20 15:14	Noelle Bohaty	Music, Theatre and Dance	FAB 109A
4/15/20 20:10	4/15/20 20:21	Chandra Diaz	TE	COE B 151
4/15/20 20:22	4/15/20 20:36	Chandra Diaz	TE	COE 151



Office Associate Phone Number	Event Title	Event Date(s)
308-865-8825	Storytelling Workshops	January 20 & 21, 2021
8510	Criminal Justice Conference and Career Fair	October 5th 2020
Na	Geography Awareness Week	Either late October or early November.
8618	UNK 8th Annual Choral Symposium	October 25 and 26, 2020
308-865-8618	Pacifica String Quartet Chamber Music Workshop & the UNK Concerts-on-the-Platte Recital "Beethoven—250th Birthday Celebration"	Friday, October 16, 2020
(308) 865-8504	Participatory democracy for Educators: teaching the mechanics of advocacy  "The four-hands piano poetry: Lieder without words" (Concert and workshop).	Any date between 03-01-21 and 03-21-21
8618	UNK New Music Series: Season 7, Concert 1. Transient Canvas	Friday, September 25th, 2020
308 865 8739	Annual Child Welfare Conference: Early Childhood Mental Health, Development and Building Healthy Relationships	April 8, 2021
(308) 865-8406	In Your Bones and In Your Cells: Somatic Practice through Dance  Bias, It's in our latte	February 4, 2021 February, 2021 March, 2020

Q10 Event Location	Q11 Name of Guest Artist/Lecturer
Ockinga Conference Room	Tim Lowry on January 20 Megan Hicks on January 21
Ponderosa, Student Union	Danny Madrid

Copeland Hall	Rebecca Buller
UNK Recital Hall	Dr. Jacob Narverud
UNK Fine Arts Recital Hall	Pacifica String Quartet
	Amanda Gailey or Ernie Chambers or
On-Campus. Wherever there is the availability of a Steinway Grand piano.	Artists: Carles & Sofia piano duo
	Transient Canvas: Amy Advocat - Bass Clarinet Matt Sharrock - Marimba
Fine Arts Recital Hall	<a href="http://www.transientcanvas.com/">http://www.transientcanvas.com/</a>
Student Union, Ponderosa Room	Michael Morgan, Associate Professor, Early Childhood: Mental Health Coordinator
Miriam Drake, Fine Arts Building	Kathy Diehl, MFA, MSW
Student Union	Pete Ferguson
Student Union	Ane Hubbell + 1 colleague

Additional supporting materials regarding your speaker or event may be emailed to Michelle Beissel Heath at [beisselheamp@unk.edu](mailto:beisselheamp@unk.edu).

Please indicate amount requested from Artists & Lecturers.

\$750 for each workshop for a total of \$1500

\$1100.00

450.50

\$1200.00

\$3000

\$6,000

\$2,640

\$1000

\$2500

\$1,648.35

\$1,148.35

## Faculty Senate Faculty Welfare Committee

April 2, 2020 Minutes

Zoom Teleconference

**Present:** William Aviles, Ford Clark, Jeremy Dillon, Claude Louishomme, Miechelle McKelvey, and Ronald Wirtz

**Absent:** none

Committee discussed information they had gathered and reviewed pursuant the charge the committee received from Faculty Senate President Dawn Mollenkopf on March 2, 2020. That charge called on FS Welfare Committee to investigate anti-bullying policies that have been adopted by universities and forward a recommendation to Faculty Senate.

The research by the members of Faculty Welfare Committee revealed a range of ideas, viewpoints, and policies. These are highlighted below.

Jeremy Dillon shared and highlighted John K. Wilson's 2019 article "The Danger of Campus Ban on Bullying" published in the AAUP Journal of Academic Freedom. Wilson argues that such policies pose a potential risk to freedom of expression, are often vague, and may possibly be used by administrators to punish faculty who express dissenting views or whistle blowers. Wilson recommends strengthening free speech protections and due process provision. These steps, Wilson argues, will allow for staff and faculty to speak out on bullying without fear of drastic consequences.

Wilson's article reflects a persistent concern that has been voiced by the AAUP and others about potential negative effects of anti-bullying policies. Might it cause campus censorship? Might it result in targeting of faculty who speak out against administrative decisions? Might it restrict academic freedom?

One question that came up in the FS Faculty Welfare Committee is to what extent current policies regard professional conduct might address charges of bullying?

Ron Wirtz shared a bibliography of research on a form of bullying called *mobbing*. Ron also shared Clara Wajngurt's article "The Urgent Need to Reduce Workplace bullying on Campus." The author argues that while colleges and universities have begun to adopt bullying prevention programs, many have not and there is much work need to be done.

### Definitions of workplace/campus Bullying

There are a variety of definitions of workplace or campus bullying. Here are a few:

Behaviors at colleges and universities that tends "to threaten, to intimidate, to humiliate or to isolate members of the working university environment [and] that undermines reputation or job performance." (Elizabeth Farrington, Quoted in <https://www.aaup.org/comment/1346>)

"repetition of behaviour with an intent to cause harm, with an imbalance of power (Olweus 1993; Smith et al. 2008). (Chalmers, Campbell, et al 2015 <https://doi.org/10.1080/00131881.2015.1129114>)

"Harassing, offending, socially excluding someone, or negatively affecting someone's work tasks. This behavior occurs repeatedly and regularly over a period of time about six months. With the escalating process, the person confronted ends up in an inferior position and becomes the target of systematic negative social acts" (Einarsen, Hoel, Zapf, & Cooper, 2003, p. 22 quoted in Hollis 2015:2)

“Bullying is defined as conduct of any sort directed at another that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study or participate in his or her regular life activities or participate in the activities of the University, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the university.” - University of Oregon’s Definition

#### University of Massachusetts at Amherst

“Repeated, unreasonable behavior by a person or group of people aimed at another person or group that intimidates, degrades, offends, threatens, or humiliates them generally constitutes workplace bullying. Workplace bullying can also be a single substantial, severe action. Workplace bullying is NOT: a tough, but fair supervisor; a tough union advocate; a reclusive co-worker; or other similar conduct” – *Responding to Workplace Bullying*, Trustee policy on Principles of Employee Conduct(T96-136)

[https://www.umass.edu/gateway/sites/default/files/workplace\\_bullying\\_grievance\\_procedure.pdf](https://www.umass.edu/gateway/sites/default/files/workplace_bullying_grievance_procedure.pdf)

#### University of Wisconsin

Hostile and intimidating behavior, sometimes known by the shorthand term “bullying,” is defined in university policy as “unwelcome behavior pervasive or severe enough that a reasonable person would find it hostile and/or intimidating and that does not further the University’s academic or operational interests.” ...

Hostile and intimidating behavior can occur both within and across employment sectors – faculty on faculty, faculty on staff, etc. – and power differentials, and in any university setting (the office, the lab, in the halls, at meetings; it can happen in groups or one-on-one). Regardless of when and how it happens, it must be addressed and corrected. Hostile and intimidating behavior is prohibited by university policy.

Such behavior is “unacceptable to the extent that it makes the conditions for work inhospitable and impairs another person’s ability to carry out his/her responsibility to the university,” the policy says, noting that a person or group can be responsible. Abusive expression -- including verbal, written and digital utterances – along with “unwarranted” physical contact, “conspicuous exclusion” or isolation, sabotage of another person’s work, and “abuse of authority” all constitute bullying, according to the policy. It says repeated acts and patterns are a concern, but a single, severe act also could rise to the level of hostile or intimidating behavior.

### **Samples of Anti-Bullying Policies**

#### University of Massachusetts at Amherst

“In determining whether an alleged incident constitutes bullying, supervisors will look at the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. The final decision regarding a suitable response will be made from a finding of facts on a case-by-case basis, from any record of previous bullying by the alleged bully, and taking into account whether the alleged bully is in a supervisory position with respect to the complainant. In all cases in which discipline is imposed, the procedures of the applicable collective bargaining agreement will be observed.

The Chancellor’s Office, in concert with the Vice Chancellors, will see that all supervisors on the Amherst campus receive information and training concerning workplace bullying and concerning the responsibilities of supervisors when complaints are received.”

Under the U-Mass – Amherst workplace bullying policy, employees who believes they have been bullied can choose several avenues to stop abusive behaviors. These include three informal formal procedures, and two formal procedures. The informal methods include the use of alternative dispute resolution (ADR), Self-Help, and the Ombuds Office. Each of these informal methods involve the person who has been bullied communicating verbally or in writing with the person perceived as engaging bullying behavior. The Self-Help option, for example, states:

“If a complainant believes they are experiencing inappropriate conduct and can talk with the individual responsible for the inappropriate conduct, then the following steps may be taken:

- talk with the person(s) promptly
- describe the behavior and its effect;
- request that the behavior stop immediately.

Employees using the self-help approach are encouraged to have conversations with a witness present and/or to follow up the meeting by writing a letter that address the above points and give it to the person who has exhibited bullying behavior in front of a witness. Documentation of the event(s), including dates, times, places and witnesses.

Presenting one’s complaint to the Ombuds Office is an alternative way of stopping the bullying behavior. The Ombuds Office is available to employees and provides confidential, neutral, independent and informal alternative dispute resolution assistance

The formal resolution options include an Administrative Review and a formal review with the Chancellor’s Office. These procedures involve the participation of two standing committees - a 30- member Workplace Bullying Board and a four-member Fact Finding. Members are approved by the chancellor and the four unions that are recognized by the university. The formal processes also involve a three-member Workplace Bullying Review Panel with “at least one member ... drawn from the complainant and respondent’s respective constituencies.” In other words, if the employee bringing the complaint in an assistant professor and person charged with engaging in bullying behavior is a full professor, the Bullying Review Panel will include at least one assistant professor and one full professor.

[https://www.umass.edu/gateway/sites/default/files/workplace\\_bullying\\_grievance\\_procedure.pdf](https://www.umass.edu/gateway/sites/default/files/workplace_bullying_grievance_procedure.pdf)

The University of Massachusetts at Amherst program also involves mandatory workplace training for all university employees and the establishment of a new adjudication body with authority to investigate bullying complaints that includes representatives from administration, professional staff, faculty, grounds and facilities staff, and graduate assistant student workers

According to Randall W. Phillips, president of the faculty union, the “goal of the initiative is genuine cultural change on campus” (quoted in Schmidt 2014).

#### University of Wisconsin Anti-Bullying Policy

The Ad-Hoc Committee developed a strategic framework in late fall of 2013 which outlined the following goal and vision:

Goal: “To protect and promote institutional excellence by eliminating destructive, personal behaviors that have serious, negative impact on the success and functionality of individuals and the organization.”

Vision: “To create a campus workplace future state with a civil climate and behavior free from bullying.”

- 1.Increase Awareness: increase knowledge and understanding about bullying and determining the current state of bullying behavior on campus
- 2.Enhance Competencies: Develop and provide tools and techniques that increase the competency of individuals to respond effectively in situations where bullying occurs.
- 3.Empower Individuals: Facilitating the ability of individuals to act by helping them understand core institutional values and campus resources available to support creating and maintaining a positive climate
- 4.Intervene as Empowered Bystanders: Identify, develop, and support a cadre of individuals willing to serve as empowered bystanders and anti-bullying champions and role models.
- 5.Develop and Ensure Leadership: Engage leaders at every level to understand their role and responsibility in addressing bullying when it occurs and taking action to prevent it

(Preventing and Eradicating Bullying Resource Guide. University of Wisconsin 2014.)

<https://hr.wisc.edu/hib/wp-content/uploads/sites/13/2017/04/Preventing-and-Eradicating-Bullying-Resource-Guide.pdf>

## University of Wisconsin Implementation of the policy - Informal process & Formal Process

- Informal Process: an aggrieved faculty member may inform the University ombudsperson or vice provost. The ombudsperson or vice provost may intervene with no written record of complaint, or formally.
- Formal process: an aggrieved faculty member may file a written complaint with a department head or union representative. If the conflict is with the chair, the complaint may be filed with the dean. Following an investigation, the chair or dean may initiate the disciplinary or dismissal process, according to existing university policy.

## Processes used to develop Anti-Bullying Policy

### University of Wisconsin at Madison

Soyeon Shim, dean of UW's School of Human Ecology, Francois Ortalo-Magne, dean of the UW Business School, representatives of the faculty and staff established an ad-hoc committee summer 2013.

Committee members participated in a monthly workshop-style process to research civility and anti-bullying policies that have been adopted at other institutions.

Faculty Senate at the University of Wisconsin at Madison approved the committee's proposed anti-bullying policy at its November 2, 106 to 63. The policy describes "hostile and/or intimidating behavior" as "[u]nwelcome behavior pervasive or severe enough that a reasonable person would find it hostile and/or intimidating and that does not further the university's academic or operational interests." (Flaherty, C. 2014)

### University of Massachusetts at Amherst – Anti-Bullying Policy Development Process

In 2010 the UMass Amherst Campus Coalition Against Workplace Bullying was established by the campus Professional Staff Union. Workplace bullying was suspected to be an important factor in a union member's suicide. The committee included the senior administrator responsible for addressing workplace disputes, faculty, and representatives of office, grounds, facilities, and janitorial staff.

A 20-member committee made up of administrators, union representatives, faculty, staff, and consultants with expertise in workplace bullying was established in 2012. The committee developed a survey sent it to faculty, staff and administrators. The survey showed widespread workplace bullying.

A campus symposium was held in December 2013. It was attended by more than 500 university employees. (Schmidt 2014)

The American Educational Research Association Issued **PREVENTING and ERADICATING BULLYING "Creating a Psychologically Healthy Workplace" RESOURCE GUIDE And TALKING POINTS for LEADERS AND CHANGE CHAMPIONS**, March 25, 2014

The report Tuesday recommends best practices and policies for schools and colleges to address bullying. "11 briefs addressing topics such as gender-related harassment, legal rights related to bullying, and school climate. The AERA task force that wrote the report was asked to identify the causes and consequences of bullying, highlight training opportunities for faculty and staff, evaluate the effectiveness of current bullying prevention programs, and assess the connections between legislation and current bullying research and interventions" (Grasgreen 2013).

## UNK FACULTY WELFARE COMMITTEE RECOMMENDATIONS

Based on the limited research undertaken by the members of the Faculty Welfare Committee, it is clear that bullying is taking place at colleges and universities across the United States and at UNK. It is also clear that this issue is complex and in needs of further study. As such, the committee recommends that a more detailed

- 1. A more comprehensive examination of university anti-bullying be undertaken in the 2020 academic year;**
- 2. That examination should include the processes used by other institutions, such as the University of Massachusetts-Amherst and the University Wisconsin, to gain a better understanding of the scope and nature of bullying at UNK;**
- 3. That an ad-hoc Anti-Bullying Committee be established in cooperation with representatives of UNK Staff Senate, UNK Administration, Faculty Senate and UNKEA**

## References

Flaherty, C. 2014. "Bully-Free Zone" *Inside Higher Ed*. 2 Dec 2014.

<https://www.insidehighered.com/news/2014/12/02/u-wisconsin-madison-faculty-approves-anti-bullying-policy>

Grasgreen, A. "New Report recommends best practices anti-bullying practices" *Inside Higher Ed* 1 May 2013.

<http://www.aera.net/Portals/38/docs/News%20Release/Prevention%20of%20Bullying%20in%20Schools,%20Colleges%20and%20Universities.pdf>

Hollis, L. P. (2015). Bully university? The cost of workplace bullying and employee disengagement in American higher education. *Sage Open*, 5(2), 2158244015589997.

Newman, L. "Anti-Bullying policy raises free speech concern from professor" *UWIRE* Text, 28 Jan. 2015, p. 1..

Schmidt, P. 2014. "U. of Massachusetts mounts assault on workplace bullying" *Chronicle of Higher Education* Vol. 60, Issue 31 (April).



## GRADUATE COUNCIL MINUTES

Thursday, April 9, 2020

Zoom Meeting – 3:30 p.m.

**PRESENT:** Said Abushamleh, Kazuma Akehi, John Bauer, Matt Bice, Doug Biggs, Bree Dority, Dena Harshbarger, Noel Palmer, Whitney Schneider-Cline, Janet Steele, Marguerite Tassi, Frank Tenkorang, Theresa Wadkins, Michelle Warren, Mallory Wetherell, Ron Wirtz, Erin Anderson, and Gabriela Lopez Lemus

**ABSENT:** Hanna Heil

### I. Approval of the March 12, 2020 Minutes – approved via email

### II. Graduate Dean's Report

#### A. *Welcome.*

Dean Ellis welcomed the council to the Zoom meeting and asked if anyone had any information they wanted to share. Warren stated that summer classes in Modern Languages are full. Wirtz indicated that the library has moved its online resources to the top of the library page and they currently have 250 databases.

#### B. *2020 Spring Graduates.*

Modern Languages is waiting on revisions from one student. Unanimous approval of the slate of all graduates pending the revisions of the student (Wetherell/Steele).

#### C. *Graduate Council Elections*

Election results are below. Ellis welcomed the new members who will begin their term in the fall and wants to thank those who are leaving the council – Bree Dority, Dena Harshbarger, Marguerite Tassi, and Theresa Wadkins. He has appreciated their diligence and service on the council.

B&T – Matt Bjornsen replacing Bree Dority

COE – Grace Mims replacing Dena Harshbarger

CAS – Anne Foradori and Peter Longo replacing Marguerite Tassi and Theresa Wadkins

#### D. *Graduate Admissions Update / Campus Shut Down due to COVID*

Linda Johnson reported the obstacle of having extra thesis copies delivered to their office with the building shutdown. She has suggested that students get copies through the UNK print shop. Linda indicated that electronic signature on the thesis will be accepted. Candidacy forms and comps can also be signed electronically but to call with any questions.

#### E. *Research Week.*

Research Week has moved to an online format using Canvas. Students will submit recorded presentations for both oral and poster presentations. Graduate Posters will include a PDF of the poster and a 3-minute presentation that will be recorded via Zoom and posted in the online platform. Oral presentations will include a 15-minute presentation. Deadline for the projects is tomorrow, April 10.

Faculty are urged to log on to make comments on the presentations and dialogue with the students. Bice commented that research is different among all disciplines and plans are to expand that next year. Theatre performances are also included and next year Bice will work with Laurinda in the library to create a platform that facilitates all disciplines such as art. Faculty showcased in *New Frontiers* will be presenting their research.

F. *Graduate Deans Meeting.*

Ellis met with the Graduate Deans and the Provost to discuss emergency grading. This would include emergency drops and opting in to credit/no credit. The decision was to keep the current grading in place per the Provost. The system-wide level is dealing with these issues and all campuses will have to agree on any changes.

G. *Summer Enrollment.*

Summer projected numbers seem to be equal or above in several departments. Ellis urged the faculty to reach out to advisees to remind them that registration is open and let them know they are available to the student.

H. *GA Temporary Hiring Freeze.*

Ellis met with the GPC chairs to explain the temporary hiring freeze for new GA lines due to budgetary and curriculum issues. He asked the GPCs to look at their programs to see if they can temporarily give up any GA lines. The freeze does not apply to second year GAs or department or grant-funded GA positions. Ellis sees this as temporary and will communicate with GPC chairs as the semester progresses.

### III. Committee Reports

A. Policy & Planning Committee: the committee has reviewed how to streamline the graduate faculty process and Ellis will be reviewing soon.

B. Academic Programs Committee: Bice expressed his appreciation to the committee for their diligence and flexibility this year. Bice indicated that all pending course issues have been resolved.

**For Graduate Council Action** - This program change comes as a seconded motion to the Graduate Council. Motion Carried.

Program Name	Nature of Request	Suggestion(s) / Comment(s)
English-MA: English, Master of Arts	Program Change Request - Alter admissions requirements and instructions to indicate that letter of interest should be 1-2 pages in length and more specific guidelines for writing sample.	Approve

**Tabled:**

Program Name	Nature of Request	Comments
Montessori Early Childhood Graduate Teaching Certificate	New Proposal (Certificate)	Revisions/updated version was not submitted. Tabled.
Montessori Elementary 1 Graduate Teaching Certificate	New Proposal (Certificate)	Revisions/updated version was not submitted. Tabled.

**For Graduate Council Information - The following courses have been approved by Committee II**

Course Name	Nature of Request	Comment(s)
ACCT 860: Financial Accounting Seminar	Course Change Request - The department has decided to alter the cou	Approve

BIO 812: Microbial Diversity	Course Change Request - Changed Course Description	Approve
ENG 814: Writing Tutorial	Course Change Request - Change grading type to Traditional Grades from Credit/No Credit	Approve - Pending updated syllabi (dates)
ENG 858P: Great Plains Studies	Course Change Request - Change grading type to Traditional Grades from Credit/No Credit, Updating catalog description.	Approve - Pending updated syllabi (dates) & undergraduate course change approval.
ENG 892P: Plains Literature Institute	Course Change Request - Remove P to make standalong graduate course; Update title of course, change how many times the course can be taken, and number of credits (3) for traditional grading.	Approve - Pending updated syllabi (dates)
GEOG 890: Directed Research	Course Change Request - Change course type to independent study.	Approve pending modifications - Provide a more detailed list of course objectives and justification for the change.
GEOG 898: Directed Readings	Course Change Request - Change course type to independent study.	Approve pending modifications - Provide a more detailed list of course objectives and justification for the change.
PSY 810P: Industrial Psychology	Course Change Request - The department has decided to make the graduate course dormant. PSY 410 is dormant.	Approve
PSY 816P: Eastern Psychology	Course Change Request - The department has decided to make the graduate course dormant. PSY 416 is dormant.	Approve
PSY 850P: Psychological Testing	Course Change Request - Course name change and course description change to match PSY 450	Approve
SMED 888: STEM Education Capstone	Course Change Request - The name of the program has changed from SMED to STEM Education. This is the only course with prefix SMED and it must be changed to STEM. In addition to changing the name of the course the prefix should also be changed.	Approve

- C. Faculty & Student Affairs Committee – will be working on Reichenbach Scholarship nominations. They received 14 applicants.

#### **IV. Other Business**

In other business, the Summer Student Load Policy was discussed – see attached. The current policy sets hour restrictions on each summer term with a 12-hour summer maximum unless with permission. The proposed change removes the term restrictions but keeps the 12-hour summer maximum unless with permission. The policy will be emailed to the council for a vote on the policy change. **The proposed new policy was approved by the council via email vote.**

There has been a change for new students or students who were not enrolled this semester to enroll earlier - April 14. Wirtz expressed concern that those students cannot use the online capabilities of the library. Ellis indicated that maybe the students can register for their thesis hours differently to keep them a current student and will look into the issue.

Respectfull submitted,  
Janna Shanno

## Summer Student Load Policy

Our recommendation on the student load policy is to just not discuss summer at all and let students register for what they want, when they want. Placing hour caps during summer terms limits those students (particularly teachers) who want to complete a larger load in the summer. Since courses are not 'classroom' courses any more (as when the policy was created) and are now online, students have the flexibility to complete more than 6 hours in one session and also should be able to complete 12 hours in an 8 week session. By eliminating the language about summer caps, students will be able to take up to 12 hours during the Summer.

We can discuss further if necessary, but I would like to get this approved so that it goes into the 2020 catalog. Thanks for all your work on Graduate Council.

### Request #1

#### Current Policy

##### Student Load

Nine hours per academic semester constitutes a full-time class load, with twelve hours constituting the recommended maximum class load. Permission of the advisor, Graduate Program Committee Chair or Department Chair, and Dean of Graduate Studies and Research are required to take more than 12 hours. Approval will not be granted for enrollment in more than 15 graduate hours.

During the 12-week summer term, a student may enroll in a maximum of 6 hours per each four-week segment, a maximum of 9 hours per each eight-week segment, and no more than 12 graduate hours for the entire twelve-week session.

#### Proposed Policy

##### Student Load

Nine hours per academic semester constitutes a full-time class load, with twelve hours constituting the recommended maximum class load. Permission of the advisor, Graduate Program Committee Chair or Department Chair, and Dean of Graduate Studies and Research are required to take more than 12 hours. Approval will not be granted for enrollment in more than 15 graduate hours.

~~During the 12-week summer term, a student may enroll in a maximum of 6 hours per each four-week segment, a maximum of 9 hours per each eight-week segment, and no more than 12 graduate hours for the entire twelve-week session~~

## **General Studies Council Minutes**

**April 2, 2020 – 3:30 p.m.**

**Via Zoom**

**\*\*\* Approved via email \*\*\***

**Present:** Julie Agard, Sylvia Asay, Jessie Bialas, Joan Blauwkamp, Debbie Bridges, Greg Brown, Joel Cardenas, Scott Darveau, Jeremy Dillon, Mark Ellis, Aaron Estes, Tim Farrell, Michelle Fleig-Palmer, Beth Hinga, Lisa Neal, Sri Seshadri, Doug Tillman, Rebecca Umland, Jeff Wells, Ron Wirtz

**Absent:**

**Guests:**

### **I. Call to Order:**

Bridges called the meeting to order.

1. Approve Agenda:  
Darveau/Wells moved to approve the agenda. Motion carried.
2. Minutes from the February 6, 2020 meeting were approved via email.

### **II. Old Business (Open Items):**

1. Course Proposals (Review for Final Approval):

### **III. New Business:**

1. Course Proposals (New): Nothing submitted:

Moratorium on new course proposals continued for 2019-20 AY (approved at 9/5/19 GSC meeting). If a department feels a new course is needed then justification will need to be provided as to why it needs to be included in the current General Studies Program.

2. Review/Revision of General Studies Program

- a) Campus forum(s) debrief, and
- b) Feedback / comments from GS for Faculty discussion board

Bridges informed the Council of the need to decouple LOPER 1 from LOPER 9/10 as per Dr. Bica's email on 3/30/2020. Blauwkamp: This is an executive decision, do we need to do anything?

Darveau: Disagree with Dr. Bicak. Need to keep coupled. Brown: Also disagree with Dr. Bicak. Need to keep it coupled. Blauwkamp: Coupling asking students and instructors to do too much in those first year seminars – 10 or 11 learning outcomes. Makes sense to decouple. Brown: Still think it's possible to meet all learning outcomes in LOPER 1 + 9/10, perhaps more than coupling 9/10 with LOPER 5-8. Ellis: This is a decision Dr. Bicak made. He wants to see this course stand alone. This is the one course that is unique to the freshman year. This is an executive decision that has already been made. Darveau: This is no longer a program put together by the Council anymore. Ellis: Dr. Bicak is nudging you along, and this is saving time in the meeting, so there is not a lengthy debate about a decision that has already been made. This is a hybrid committee, serving under the senior vice chancellor so this is an administrative committee, and the GS program is an administrative program.

Motion to decouple LOPER 1 from LOPER 9 or 10 to reflect concerns expressed in GSC discussion forum and Dr. Bicak's instructions (Blauwkamp/Wells). Motion carries (8 Yes / 4 No)

Bridges identified a potential problem with using the terminology "developmental" in the proposal and asked Neal to comment. Neal: Developmental is not what we would consider college level. It means remedial, so it would be helpful if we could change that. Bridges: Would foundational work? Neal: Yes, that would work. Brown: Is foundational what we currently have? Bridges: Yes that is what we currently have (Foundational Core in current GS program).

Motion to change Developmental Requirements to Foundational Requirements (Blauwkamp/Brown). Motion carries, unanimous.

Bridges noted that there was very little in discussion board other than the LOPER 1 issue and asked the Council what other items needed to be addressed prior to sending proposal out to campus.

Blauwkamp: Soft rollout with using Portals in Fall 2020 instead of first-year seminar (LOPER 1). Bridges: Asking about campus approval as opposed to implementation. Do you think this needs to be rolled into the proposal for the ballot? Darveau: Helpful for people to know what implementation will look like. Bridges: Do we need to add to ballot? Blauwkamp and Darveau: No, it's ok to be in an email. Bridges: Anything else we need to address with regard to the structure of the program?

Dillon: Since we've decoupled LOPER 1 from LOPER 9 or 10, we need to revise language under LOPER 1, LOPER 9, and LOPER 10. Bridges: Under LOPER 1, the statement has been removed. Dillon: Statements under 9 and 10 may need to be modified. Wells: Requirements for 2-4 are very specific, so maybe we should limit coupling of LOPER 9-10 with LOPERS 5-8. Bridges: That was the original intent, yes? Darveau: To be consistent, must say under LOPER

1 that it may not be coupled with LOPER 9 or 10. Dillon: Either put the statement under 1, or put it in the paragraph stating which LOPERS can be coupled with LOPER 9/10. Umland: It's fine to make it just broad knowledge.

Motion to modify language under \*\*\* to "Designated courses with appropriate content may be approved to satisfy one of the Broad Knowledge requirements plus LOPER 9 or one of the Broad Knowledge requirements plus LOPER 10. Courses may be approved to satisfy LOPER 9 or LOPER 10 alone." (Wells/Brown). Motion carries, unanimous.

Darveau: Need to understand how the 7 additional hours beyond the GS program are determined. Others: Don't need a motion.

Motion to send the revised program out to campus for a vote (Blauwkamp/Wirtz). Motion carries, unanimous.

Discussion returned to soft roll-out. Bridges: Two options - can postpone first year seminar to spring 2021 or to Fall 2021.

Motion to accept xxx188 as a substitute for the First-year seminar for the 2020-2021 catalog year only (Darveau/)

Blauwkamp: Concerned this will set a precedent that first year seminar will become portal by another name. Perhaps waiving first year seminar for a first year might be preferable to substituting. Bridges: Am I correct that you are talking about deferring instead of waiving the requirement? Blauwkamp: If we're going to roll out FYS until Spring 2021 maybe defer? If waiting until Fall 2021, waive requirement. Darveau: Start including material we're going to get from student affairs staff in portals. Doesn't work to not have them take a course at all. Impractical as well, if we get 800 students, not to have them take anything. Asay: How many portals are already up and ready for registration? Wells: Last fall there were 36. Neal: Can count them up if necessary. Asay: If only incoming freshmen take those portals, would we have to take them down? Darveau: Yes. Asay: Have them take it but maybe Aaron and other people can put together something to help instructors address what we want them to address. Bridges: Council can work with registrar's office to make substitution in the background (portal for FYS). This will be a one-time event in the fall of 2020. Neal: This plan would work, we can handle it behind the scenes. Would the FYS courses be designed and put together by October so they can be taught in spring for those who don't take portals in the fall? Bridges: Can tell faculty they need to have it through specified time period. Darveau: What about any portal course taken prior to summer 2021 is an acceptable substitution for FYS? Bridges: Defer FYS until Fall 2021? Brown: Allows time for developing a better solution for students. Asay: Allows people to start incorporating FYS elements into their classes. Darveau: Withdraw previous motion.



Motion that any portal completed prior to Summer 2021 will be accepted as a substitute for the First Year Seminar (Darveau/Asay). Motion carries, unanimous.

Neal inquired, is the Registrar responsible for moving students to new program? Bridges: Students have to contact the registrar's office to change their catalog year. Neal: If we're implementing LOPER 2-11 in the fall, they can't have 45 hours. Bridges: Program needs to be implemented in Fall 2020. May need to be handled internally to make that work. Neal: Still in progress with new catalog. Have to change each individual program in the 2020-21 catalog to change reflecting reduction in GS hours. Blauwkamp and Darveau: Individual programs need to make those decisions. Cardenas: What about Ed policy committees, etc? Fleig-Palmer: What about approval process for courses to count in new LOPERS? Bridges: Not sure how to answer Lisa's question about catalog. Changes made last time around after catalog had been built. Had statements everywhere in online catalog that the program had changed. Neal: So we're leaving everything the way it looks now, putting in a statement that GS has changed and you don't have to take XX hours, now only 30. Bridges: Departments will have to choose their general studies courses and let the registrar's office know. Neal: I'm on board with making this happen, but what part of the approval process do we bypass to make this happen on time? Bridges: Maybe a conversation in Faculty Senate Academic Affairs would be prudent. Neal: We can delay the catalog some but lots of work departments have to do to get us that information and get it built into a degree audit.

c) Program-level learning outcomes

Bridges reminded the Council that the program level learning outcomes still need to be finalized. Do we want to tackle that today? Is it important for those learning outcomes to go out at the same time as the general structure? Blauwkamp: Proposal to treat three tiers of program as program-level learning outcomes. Dillon: Do these have to be assessable? Blauwkamp: Don't need independent assessment of program level learning outcomes. Darveau: Treat these as 30,000 foot level assessments. Can delay and development at a different time. Accept these as high level objectives.

Motion to accept proposed program requirements: core academic skills, broad knowledge, and dispositions. Under Program-Level Objectives, change language of 3 to be "optionally LOPER 11" instead of if student elects (Blauwkamp/Brown). Motion carries, unanimous.

d) Next steps

Bridges reminded the Council that the ballot for campus vote is ready; CAS will be split out by division. Bridges inquired about the timeline to use; indicated that a three day voting period sounds reasonable. Darveau: Have we determined what vote approves? Previously 3 out of the 4 colleges with a supermajority. Blauwkamp: Should be affirmative vote of simple majority of

faculty of each of the three colleges. Wells: Majority from at least 2 of the divisions of CAS.

Dillon: CAS has more than 50% of faculty so it shouldn't be a single voting bloc. Bridges: Was talking about sending out by division to manage email. Blauwkamp: Jeff was talking about taking vote by division. Wells: Must include a majority of each of two CAS divisions. Blauwkamp: This was for council operations, not for campus votes. Bridges: Mirroring this in campus votes, would this be a majority from at least 2 divisions? Wells: Correct.

After discussion it was decided to send the program out to campus for a vote then let Dr. Bicak review the results and let him decide. The campus vote will be April 7 - April 9, 2020 (Tuesday – Thursday) and campus will need to know it's an advisory vote. Votes will be split by the Colleges and the CAS by division.

Bridges informed the Council that approval of courses (populating the revised program) will be taken up next meeting (after the vote). Some courses will roll over to new LOPERS quite nicely; others may not given the "in a discipline" language, so there will be question marks. Asking Council members to put on thinking caps about an expedited process to make approvals to populate LOPERS. Darveau: Does "in a discipline" apply to foundational LOPERS as well as LOPERS 5-8? Blauwkamp: Look to language approved in different categories.

### 3. Assessment and GS Program:

#### a) Initial results from fall 2019 Written Communication and Oral Communication course assessment

Bridges reminded the Council that discussing / approving dissemination to campus the results from fall 2019 assessment remains to be completed.

#### b) Update on syllabi collection / review spring 2020

Bridges reminded everyone that syllabi review needs to be completed before next meeting.

Bridges informed the Council that Dr. Bicak had approved suspension of GS assessment for spring 2020. Given that the majority of Portal courses are taught face-to-face it seemed prudent to ask for the suspension given the transitioning of all courses to remote learning in response to the COVID-19 pandemic.

### 4. GSC Governance Document (College merger and updating GSC Governance Document) (not addressed due to time constraints)

## IV. Other:

Meeting adjourned at 5:05 p.m.

# Committee of Academic, Freedom and Tenure Rules and Procedures

*Approved 1994*

*Revised April 9, 2020*

**University of Nebraska Kearney**

## **Introduction**

The [Bylaws of the Board of Regents of the University of Nebraska](#), (June, 28, 2019, revised) Section 4.1 and 4.2.

**4.2 Academic Freedom.** The University serves the people of Nebraska and the common good through learning, teaching, extension work, research, scholarship, and public service. Fulfillment of these functions requires the preservation of intellectual freedoms of teaching, expression, research, and debate. The right to search for truth, to support a position the searcher believes is the truth, and to disagree with others whose intellect reaches a different conclusion is the fiber of America's greatness. It is, likewise, the strength of a great University, and its preservation is vital. A teacher or researcher is entitled to freedom in research, and publication of the results of research, limited only by the precepts of scholarship and faithful performance of academic obligations. Members of the professional staff are entitled to freedom in the classroom in discussing their subjects. Members of the professional staff are entitled to exercise their right to speak and act as citizens of the United States and of the State of Nebraska. Members of the professional staff shall not suffer sanctions or be discriminated against with respect to the duration of association with the University, pay or other emoluments of their office, appointment, position, or their working conditions because of their enjoyment, or exercise, of their right of academic freedom, or in any case where such action would constitute a violation of federal or state civil rights laws or regulations. Staff members who violate laws prescribed by civil authorities may incur penalties attached to such laws. The University should not impose sanctions to duplicate the function of these laws. Where the University's interest as an academic community is clearly involved, the authority of the University may be asserted. The Board reaffirms belief in, pledges support of, and directs all segments of the University community to sustain and follow the foregoing principles of academic freedom. History: Amended, 49 BRUN 300 (16 June 1984) Several sections were consolidated and renumbered in the 1984 revised edition.

## **1. Membership** [University of Nebraska Kearney Faculty Senate, Constitution](#) (April, 3, 2014)

Article VII.C. Academic Freedom and Tenure Committee Acts on matters of general policy concerning academic freedom and tenure, pursuant to Section 4.14 of the By-Laws of the Board of

Regents. The Committee will have oversight responsibilities to ensure that University-wide rank and tenure standards and procedures are applied uniformly by the undergraduate colleges. The Chair, in conjunction with the Chair of the Grievance Committee, the Chair of the Professional Conduct Committee, and the President of the University of Nebraska at Kearney Education Association, shall receive and review issues relative to academic freedom, tenure, professional conduct, and grievances and decide on the appropriate Faculty Senate Standing Committee to which to refer the issues. **COMPOSITION: One tenured faculty member holding the rank of associate professor or full professor from and elected by each undergraduate college and three tenured faculty members from the Senate holding the rank of associate professor or professor selected by the Faculty Senate. Total: 7 6 members**

## 2. DEFINITIONS

As used in these Procedures, terms are defined as follows:

- a. "Bylaws" shall refer to the [Bylaws of the Board of Regents of the University of Nebraska](#).
- b. "Faculty member" shall mean any staff member of the University of Nebraska at Kearney holding the academic rank of assistant professor or above. Professional staff serving in dual capacities as administrators shall be included under this procedure only insofar as it relates to their academic position as distinguished from their administrative status.
- c. "Academic freedom" shall refer to the principles contained in the *Bylaws*, Section 4.2.
- d. "Committee" shall mean the Committee on Academic Freedom and Tenure of the Faculty Senate of the University of Nebraska at Kearney or the hearing committee thereof established to act in a particular case. The term "Grievance Committee" shall mean the Grievance Committee of the Faculty Senate of the University of Nebraska at Kearney.
- e. "President" shall include the authorized representative of the President, of the NU System but such authorization to act shall not be extended to the Chancellor or a staff member of the University of Nebraska at Kearney, or to the Chancellor or a staff member of any other campus of the University of Nebraska.
- f. "Chancellor" shall mean the Chancellor of the University of Nebraska at Kearney and shall include the authorized representative of the Chancellor, but such authorization to act shall not be extended to a Dean with collegiate or divisional responsibility or to a staff member of any such college or division.
- g. "Tenure" and "tenured faculty member" shall refer only to persons holding continuous appointment acquired in accordance with the *Bylaws*.
- h. "Association" shall mean the legally recognized bargaining agent of the faculty, the University of Nebraska at Kearney Education Association.

- i. “Complainant” shall mean a Faculty member who files a written complaint before the Academic Freedom & Tenure Committee in accordance with these rules.
- j. “Respondent” shall mean the person, persons or body which took the action or made the decision that is the subject of a complaint.
- k. “Supercommittee” shall refer to the group consisting of the Chairs of the UNK Academic Freedom & Tenure, Grievance, and Professional Conduct Committees and the President of the UNK Education Association as described in Section 1.
- l. “Working day” (also “Business day”) shall be any Monday thru Friday on which University classes are in session, examinations are being held, or when academic operations are ongoing using online resources during periods of emergency declared by the Chancellor.

### 3. BASIC POLICIES

#### **Section 3.1. Rights of Academic Freedom, Statements on Tenured and Term Appointments**

All faculty members are entitled to enjoy and to exercise, without penalty for such exercise, all the rights of an American citizen and the rights of academic freedom as these rights are specified in section 4.2 of the *Bylaws of the Board of Regents*. These rights carry with them attendant responsibilities as specified in section 4.1 of the *Bylaws of the Board of Regents*. A tenured faculty member is qualified to serve the University throughout his or her academic career, and an untenured faculty member serving on a term appointment is qualified to serve the University throughout the term appointment, unless the record, by a preponderance of the evidence, establishes adequate cause for dismissal. Adequate cause for dismissal shall be related, directly and substantially, to the fitness of the faculty member in his or her professional capability and performance as a member of the academic community. Failure to renew a probationary or term appointment is not a dismissal. A tenured faculty member, or an untenured faculty member serving a term appointment, may not be dismissed involuntarily, or prior to the expiration of the term appointment, unless the charges against that faculty member and the defense against those charges are subjected to a full review as set forth in these procedures.

#### **Section 3.2. Faculty Suspension Not Permitted During a Dismissal Investigation**

When a question arises concerning dismissal of a faculty member, that faculty member shall not be suspended from previously assigned institutional academic duties during the time necessary to resolve such question, unless continued discharge of those duties clearly constitutes a threat of physical harm to self or others, or of serious disruption of University programs. In such event the Chancellor shall reassign the faculty member to other duties that seem appropriate, if there be any available. Suspension is appropriate only pending a hearing; a suspension which is intended to be final is a dismissal and shall be dealt with as such. The faculty member shall be continued on salary while all proceedings are pending, but a person on probationary or term appointment shall not be continued on salary past the term of appointment.

### **Section 3.3. Time Limit for Filing a Complaint.**

A [complaint](#) must be filed not later than one (1) calendar year after the date the [complainant](#) becomes aware of the action or decision which led to the [complaint](#) unless the Committee shall find that the [complainant](#) has shown good cause which prevented the filing of the grievance within the last stated time limitation.

### **Section 3.4. Initiation of Proceedings.**

Proceedings involving the dismissal of a tenured faculty member are initiated by the President as described in Section 5.2. Other proceedings governed under Section 6, 7, or 8 may be initiated by any Faculty member filing a written complaint with the [Committee](#) Chair or the President of the UNK Faculty Senate.

### **Section 3.5. Determination of Jurisdiction.**

Upon receiving a complaint that may be governed under Section 6, 7, or 8, the Chair will forward the complaint to the UNK Faculty Senate Supercommittee to determine if the complaint should be assigned to the [Academic Freedom and Tenure](#) Committee for adjudication. Once the Super Committee assigns the case to the [Academic Freedom and Tenure](#) Committee, the Chair will call a meeting of the Committee as soon as possible. The Committee will first review the complaint for the purpose of determining whether the [complaint falls](#) within the jurisdiction of the Committee as described in Section 6, 7, or 8. If the Committee finds that no [actionable](#) grievance has been stated, or if the Committee finds that the complaint for any other reason does not fall within its jurisdiction, it will return the complaint to the Super Committee for either reassignment to another committee or to the [complainant](#) stating the reasons for the Committee's finding. In making determinations as to jurisdiction, the Committee shall be guided by the *Bylaws* of the Board of Regents. In cases where the Committee has initially declined to accept a complaint as [actionable](#), the [complainant](#) may within seven (7) working days after receipt of written notice of such action refile his or her complaint or file an amended complaint with the Committee, and request that the Committee reconsider its action. The Committee will reconsider the question of whether it should accept the complaint or amended complaint. If upon reconsideration the Committee finds that no [actionable complaint](#) within its jurisdiction has been stated, or that it does not have jurisdiction, such finding shall be final and there shall be no further proceedings before the Committee with regard to the original or an amended complaint.

### **Section 3.6. Committee Access to Personnel Records.**

In connection with the formal investigation of a [complaint](#) it shall be considered a legitimate educational and institutional interest for the Committee to examine any University personnel records considered by any person or body in taking the action or making the decision which is the subject of a [complaint](#). The Committee shall be subject to and shall observe all laws, policies, rules and regulations pertaining to preservation of the confidentiality of such records.

### **Section 3.7. Interference with Committee Investigation.**

If there is a reasonable basis in fact for the Committee to believe that any individual is in bad faith impeding the Committee's investigation of a [complaint](#) pursuant to Section 4.13.2 of the Bylaws of the Board of Regents, the Committee may refer such matter to the President, Chancellor or to the Professional Conduct Committee for remedial action.

### **Section 3.8. Standards for Consideration of a [Complaint](#).**

In its deliberations concerning any [complaint](#), the Committee shall be guided by applicable state and federal law, the Bylaws of the Board of Regents, the Bylaws of the University of Nebraska at Kearney, the University of Nebraska Governance Manual, the bylaws, rules or regulations of the relevant administrative units (college, department, division, etc.), and general academic customs and standards. Refusal by any person to make documents available, testify, or take personal responsibility for testimony will prevent the Committee from receiving evidence which may be relevant to its investigation of a complaint. The Committee in its deliberations shall take any such refusals into consideration in making its findings of fact, decisions and recommendations in the Final Committee Statement on the Complaint.

## **4. INFORMAL PROCEDURES**

### **Section 4.1. Referral of Complaint to the Department and College if Informal Resolution Attempts Have Not Been Made**

When a complaint is accepted by the Committee, it is expected that there had been mutual efforts at the departmental and college levels to satisfactorily resolve the problem. If the complaint does not include sufficient evidence of these efforts, the Committee may suspend its investigation and refer the complaint to the complainant's department Chair and college Dean, respectively and sequentially, for up to ten (10) working days at each level. If there is no mutual resolution at either of these levels, the Committee will resume its investigation.

### **Section 4.2. Initiation of Proceedings that Involve Faculty Dismissal**

If the informal efforts (Section 4.1) have failed to resolve satisfactorily a dismissal question (a complaint falling in a category described by Section 5 or 6), the matter should proceed to a higher administrative level. The Chancellor may seek a personal conference or conferences with the persons involved. Prior to any such personal conference and within fifteen (15) calendar days of notification of the dismissal matter, the Chancellor shall transmit in writing to the faculty member:

- a. A clear statement of the facts which have given rise to the question, and

- b. An invitation to the faculty member to attend a personal conference at a time, place, and date stated, and that he or she may, but is not required to, appear with such counsel or Association advisers as the faculty member deems necessary, and
- c. A copy of these Procedures together with an admonition that any statement or arguments made in informal conferences may later be used as admissions at a formal hearing, and
- d. A statement that a personal conference can be successful only if a bona fide effort is made to find a solution to a common problem. To this end, the Chancellor will present the University views and welcome the views of the faculty member.
- e. Either party to the informal conference may request that a record (digital recording and/or written transcription) of the conference be made.

### **Section 4.3 Procedure After Resolution by Mutual Consent**

If the dismissal matter referenced in Section 4.2 is concluded by mutual consent, the Chancellor shall set forth the settlement within fifteen (15) calendar days in a letter sent to the faculty member, unless the parties mutually agree that this is not necessary.

## **5. FORMAL PROCEDURES WHEN A TENURED FACULTY MEMBER IS DISMISSED.**

### **Section 5.1. President Formally Initiates Proceedings**

When the informal procedures in Section 4 have been exhausted or waived by either party, the President shall initiate formal procedures in keeping with section 4.14.2 of the *Bylaws*.

### **Section 5.2. Initial Procedures**

A formal dismissal proceeding shall be started by sending a formal communication from the President to the faculty member and to the Chairman of the Committee on Academic Freedom and Tenure in the manner specified in the *Bylaws*, section 4.14.2 (b) (3) and (c) (1-6).

The Chair of the Committee on Academic Freedom and Tenure shall send to the faculty member:

A copy of the pertinent University regulations governing the faculty member's rights, including (1) the *Bylaws of the Board of Regents*, (2) a copy of the procedure and membership of the Committee and its powers, (3) the *Bylaws of the University of Nebraska at Kearney Faculty Senate*, and (4) a copy of any governance documents for the UNK college in which the faculty member's appointment resides.

- a. A statement that the Committee will conduct a hearing on the complaint.
- b. A statement that the time and place of hearing will be set forth by the Committee and will be communicated to the faculty member and to the President. This statement shall specify that the faculty member will have not less than thirty (30) calendar days to prepare a defense.
- c. A statement that the faculty member is invited to attend the hearing accompanied by Association, academic, or legal counselors.



### **Section 5.3. Notification of Academic/Professional Organizations**

Upon written request of the faculty member, a separate copy of the complaint shall be sent by the President to appropriate academic or professional organizations, accompanied by a formal invitation for the organization to send an observer to the proceedings, if it should so choose.

### **Section 5.4. Time Period for Faculty Response to Charges**

In compliance with Section 4.14.2 (c) of the *Bylaws*, not less than twenty (20) calendar days from the date of service of the complaint, the faculty member shall submit to the President and to the Committee a written answer to the charges or a statement that he or she desires no hearing to be held.

### **Section 5.5. Faculty Response to Academic/Professional Organizations**

Prior to the date set for the hearing, the faculty member shall submit a written answer to the charges to the appropriate academic or professional organizations that previously had received a copy of the complaint, or a statement to such organizations that he or she desires no hearing to be held.

### **Section 5.6. Committee Authority over Objected Evidence**

If evidence is tendered during the hearing which is objected to on the ground that it is not within the issues raised either by the complaint or by the answer, the Committee will either 1) not allow the evidence or 2) may allow either the complaint or the answer to be amended, and shall do so freely, especially when the presentation of substantive issues will thereby be facilitated. Whenever an amendment has been allowed, and the other party so requests, the Committee shall grant the other party a reasonable time within which to prepare a response to the new issue or issues raised.

### **Section 5.7. Default Judgement for the University if the Faculty Member does not Respond**

If the faculty member fails to answer the President's complaint, or states that he or she desires no hearing be held, the Committee shall find in favor of the University by default.

### **Section 5.8. Investigation Procedures**

If the faculty member submits an answer to the complaint as provided in [Section 4](#), then the procedures that shall be followed are:

a. The President or the faculty member may by written request to the Chair of the Committee ask, at least seven (7) calendar days before the hearing is scheduled to begin, that certain named Committee members or alternates be disqualified from sitting on the case because there are reasonable grounds to believe that they are biased in the particular case, or have a personal interest in the case or its outcome. In addition, any Committee member or alternate may ask to be excused from participating in the case for the same reasons. After a hearing on this question of cause, the Committee shall determine whether reasonable cause has been shown, and such determination shall be made at least one working day prior to commencing the substantive hearing on the complaint. If reasonable cause is found, and the number of non-challenged regular members is reduced below five, then the challenged members shall be replaced by alternates chosen by lot from prior elected Committee members still-resident at UNK.

- b. The Committee at its discretion shall call either of two types of prehearing conferences. In one type of conference the Committee confers with all parties concerned in an effort to delimit the specific charges to be heard. In the other type of conference both parties are offered a final opportunity to informally settle or withdraw the complaint.
- c. The faculty member, at least one working day before the hearing is scheduled to begin, may ask the Committee that the hearing be private, and upon the showing of good cause, the Committee shall grant such request. In the absence of such a request, however, the hearing shall be public. If the hearing is closed, the record of the hearing shall be public and available for inspection after the disposition of the case.
- d. The President or the faculty member, and their respective lawyers or advisors, shall have the right to be present at the hearings at all times, as may any observer who has been sent by a previously invited academic or professional association.
- e. The Chair of the Committee shall preside over the hearing. The hearing shall proceed as follows: (1) the evidence submitted by the President in support of the complaint; (2) the faculty member's evidence in support of his or her answer; (3) the rebuttal evidence in support of the complaint; (4) the rebuttal evidence in support of the answer; (5) closing arguments. However, in rare cases, if the Committee decides that a clearer and more orderly way of exploring the issues can be achieved by varying the normal order of proceeding, it may so order.
- f. Testimony of witnesses and other evidence shall be received by the Committee in accordance with Section 4.14.2(c) of the *Bylaws*. The University shall cooperate with the faculty member, and his or her lawyers and advisers, in obtaining pertinent information, in requesting the presence of witnesses, and in producing other evidence relevant to the issue of the hearing. The testimony of witnesses not available for the hearing may be presented by depositions taken in accordance with the statutory provisions applicable in the Civil Courts in the State of Nebraska. Other taking of depositions shall be decided upon by the Committee in prehearing conferences. In all prehearing matters, the Committee may, on its own motion, or at the request of any party, enter such orders in its discretion as justice requires to protect any party from annoyance, expense, embarrassment, or oppression.
- g. The Committee shall have the right to summon and question witnesses. All parties, their representatives, and their counsel shall have the right to question all witnesses and to present other evidence relevant to the issues.
- h. The Committee, in its discretion, may exclude witnesses from the hearing room except to testify.
- i. If the charge is professional incompetence, individual testimony of cognate colleagues within and without the University may be admitted as evidence. If the faculty member so requests, formal departmental reports by colleagues in cognate departments within the University may also be admitted in evidence. All departmental reports shall include both majority and minority opinions. If the charges

include classroom incompetency, testimony from students taught by the faculty member may be received. Any judgment by the Committee of professional incompetency must be restricted to, and based upon, the evidence presented at the hearing, and not on any other consideration.

j. The Committee may proceed independently to secure the presentation of evidence at the hearing by directing the parties to produce evidence on specific issues that it deems significant.

k. The burden of proving the charges shall rest on the party bringing them, and proof of each charge shall be preponderance of evidence relevant to each charge.

l. A verbatim record of the proceeding shall be kept by a court reporter or by tape recording and a full transcript shall be made available to the Committee and to the parties. The cost of such a record and transcription shall be borne by the NU System.

m. The Committee may, in its discretion, adjourn the hearing from time to time to permit the parties to obtain further evidence.

n. The Committee may request written briefs from the parties, and shall accept them if they are offered.

o. The Committee shall have the right to select and hire a lawyer to assist it in conducting hearings. The lawyer selected must be agreed to by the General Counsel of the NU System, the President of the Faculty Senate (or designee), and the Chancellor of UNK (or designee).

#### **Section 5.9. Committee Decision Basis, Deliberations in Executive Session**

All Committee decisions shall be based solely upon the record made at the hearings, except as specified in Section 5.10. All deliberations shall be conducted in executive session with only members of the Committee, and if the Committee so decides, its lawyer.

#### **Section 5.10. Hearing Record Required before Final Decision is made, Party with Burden of Proof**

The Committee shall await the availability of the verbatim record of the hearing before proceeding to its decision, unless the Committee believes that it can render a just decision in the absence of such a record. In all cases, the Committee shall render its decisions with full consideration of the fact that the burden of proof rests upon the party bringing the charges.

#### **Section 5.11. Justification of Committee Decision**

In all cases the Committee shall provide specific findings of fact to support its conclusions on each of the charges submitted as grounds for dismissal. A copy of the opinion setting forth the Committee's disposition of each issue in the case with its accompanying reasons to justify such disposition shall be made available to each of the parties, and to any invited observer of a professional association, at the time when the Committee announces its decision in the case.

#### **Section 5.12. Committee Report Filing, Conditions for Reconsideration**

The filing of Committee reports and recommendations and their disposition by the Board of Regents shall be in accordance with Section 4.14.2 paragraphs (e), (f), (g), and (j) of the *Bylaws*. The Committee shall not reconsider the case unless new evidence is presented. Before any such reconsideration is granted, the requesting party must show that additional relevant evidence has been discovered or has developed that was not available and which could not have been produced at the prior hearing.

#### **Section 5.13. No Public Statements about Cases In Progress**

Except for such simple announcements as may be absolutely required, such as the time and place of meetings and similar matters, no public statements by involved parties about the case shall be made until after the final decision has been rendered.

### **6. TERMINATION OF SERVICES OF UNTENURED FACULTY MEMBERS ALLEGING VIOLATION OF ACADEMIC FREEDOM**

The University has wide discretion to terminate an untenured faculty member at the end of the contractual term. If a faculty member without tenure is given notice of termination or failure to achieve tenure, and if, by written communication to the Chancellor with a copy to the Chairman of the Committee, the untenured faculty member alleges that a decision to terminate is caused by considerations that violate academic freedom, then the following procedures shall apply.

#### **Section 6.1. Faculty Statement**

The faculty member shall prepare a statement for consideration by the Committee providing reasons and evidence to support the allegation.

#### **Section 6.2. Informal Resolution**

The matter shall be submitted to informal review as governed by the procedures set forth under Section 4.

#### **Section 6.3. Formal Hearing Requisition**

If the informal review does not resolve the issue, the faculty member may then request a formal hearing before the Committee.

#### **Section 6.4. Committee Pre-Hearing Conference**

The Committee shall call a prehearing conference to determine whether sufficient evidence exists to constitute a case of infringement of academic freedom as defined in section 4.2 of the *Bylaws*.

#### **Section 6.5. Initiation of Formal Proceedings**

If the Committee determines that sufficient evidence exists, The Committee chair shall notify the President that the faculty member should be afforded a formal hearing governed by the procedures set forth under Section 5, except that the faculty member shall be responsible for stating the grounds on which the allegations are based, and the burden of proof shall rest upon the faculty member. In all other respects, procedures shall be as outlined in Section 4.14.2 of the *Bylaws*.

## **7. COMPLAINTS OF FACULTY MEMBERS ALLEGING VIOLATION OF ACADEMIC FREEDOM THAT DO NOT INVOLVE TERMINATION**

If a faculty member alleges that a sanction decision short of termination is caused by considerations that violate academic freedom, then the procedures in this section shall apply after the informal procedures in Section 4.1. Such sanctions may include, but are not limited to, suspension, an unsatisfactory performance review, and a formal reprimand in the faculty member's personnel file.

### **Section 7.1. Complainant's disclosure or waiving of attorney/advocate.**

The Committee's investigation must abide by the stipulations in Section 4.14.2(c) of the *Bylaws*. This language assumes that the complainant will be represented by an attorney or other advocate. For complaints in this category, following informal resolution attempts (Section 4.1), the Committee Chair will request the complainant to provide contact information for his or her attorney/advocate or to waive such representation before the Committee proceeds with the investigation. The complainant may take up to five (5) working days to respond.

### **Section 7.2. Adoption of the Initial Committee Statement of the [Complaint](#).**

If the Committee accepts a complaint governed by Section 7 as described in Section 3.5, it will then proceed to adopt an Initial Committee Statement of the [Complaint](#). The Initial Committee Statement of the [Complaint](#) shall contain (a) the name of the [complainant](#), (b) the name of each respondent, and (c) a statement in ordinary and concise language of the allegations of fact relating to the [complaint](#), including the action or decision which led to the [complaint](#). The Committee shall first prepare a draft Initial Committee Statement of the [Complaint](#). A copy of the draft Initial Committee Statement of the [Complaint](#) shall be delivered to the [complainant](#) via e-mail. The [complainant will then](#) have five (5) working days from the response described in Section 7.1 to deliver to the Chair written recommendations for amendments or revisions to the draft Initial Committee Statement of the [Complaint](#). The Committee shall meet as soon as reasonably possible thereafter in accordance to Section 4.14.2 of the *Bylaws* to investigate the complaint and adopt a Final Committee Statement of the [Complaint](#), in which one or more opinions and/or recommendations are put forward by the Committee regarding the complaint.

### **Section 7.3. Flexibility to divide investigative work among subcommittees.**

For the purpose of conducting a formal investigation of a [complaint](#), the Committee may either delegate responsibilities among one or more Subcommittees of at least two Committee members each, or it may act as a whole. Regardless of any responsibility division, all Committee members will be granted the opportunity for input on the Final Committee Statement on the Complaint.

### **Section 7.4. Investigation guidelines**

Meetings may be conducted separately with the [complainant](#), each respondent, and any other persons called by the Committee to meet with it concerning the [complaint](#), or the committee may request that

the [complainant](#), respondent, or other witnesses attend meetings jointly. All persons meeting with the Committee will be requested to respond to questions by the Committee and give testimony relevant to the [complaint](#). Any person meeting with the Committee may in addition to his or her oral testimony submit a written statement. The Committee will interview all witnesses suggested by the parties except where it appears that the testimony of a witness would be (a) unduly repetitious of evidence already presented to the Committee, or (b) irrelevant to the complaint. The Committee may also call other witnesses which it believes may have relevant testimony.

#### **Section 7.5. Service of the Final Committee Statement on the Complaint.**

Upon concluding the investigation, the Committee shall compose a written Final Committee Statement on the [Complaint](#) consisting of the Committee's findings and recommendations. Copies of this will be sent to each respondent, the [complainant](#), the Chancellor, the Vice Chancellor for Academic Affairs and the President of the Faculty Senate. The Committee shall also send to each respondent a copy of the written complaint originally filed with the Committee by the [complainant](#). All copies and documents required in these procedures may be sent via UNK e-mail systems unless otherwise indicated in these procedures.

### **8. COMPLAINTS OF FACULTY MEMBERS ALLEGING NON-UNIFORM APPLICATION OF UNIVERSITY-LEVEL EVALUATION, PROMOTION, AND TENURE GUIDELINES**

UNK Faculty Senate Bylaws Article VII.C stipulates that the Committee has "oversight responsibilities to ensure that the University-wide rank and tenure standards and procedures are applied uniformly by the undergraduate colleges."

#### **Section 8.1. Expectations of Complaints that Fall in this Category.**

Complaints that fall under this section will consist of either: (a) alleged direct misapplication of University Evaluation, Promotion, and Tenure Guidelines by an evaluating faculty peer or administrator at the department, college, or university level; or (b) alleged enactment and/or application of a department or college evaluation/promotion/tenure policy that violates University Evaluation, Promotion, and Tenure Guidelines.

#### **Section 8.2. Policy Application vs. Personal Judgement.**

In complaints that fall under this section, the committee will consider only policy applications and conflicts. Any complaints about individuals' personal judgements and/or ethics will be referred to the Professional Conduct Committee (see Section 3.5).

#### **Section 8.3. Procedure Guidelines.**

Investigations of complaints in this category will abide by stipulations in *ByLaws* section 4.14.2(c) and Sections 7.1-7.5 of this document.

# Faculty Grievance Committee Rules of Procedure

*Approved 11/92*

University of Nebraska at Kearney

Sections 4.13, 4.13.1 and 4.13.2 of the *Bylaws of the Board of Regents* provide for the creation of a Faculty Grievance Committee “which shall have the powers specified in Section 4.13.2, in addition to any other powers granted by the faculty governing agency pursuant to these *Bylaws*”

From the Board of Regents Bylaws:

4.13.2 Powers of Faculty Grievance Committee. Any Faculty Grievance Committee established under Section 4.13.1 shall be empowered: (a) To consider a complaint filed by any faculty member alleging any grievance; (b) To seek to settle the grievance by informal methods of adjustment and settlement, either itself or by using the services of any officer or body directed to settle grievances and disputes by mediation, conciliation, or other informal methods; (c) To draft rules of procedure for the orderly and fair handling of grievances by the Committee, which rules shall become effective after notice and hearing when approved or modified by the Board, and, upon approval, shall be effective as a part of the Rules of the Board; and (d) To proceed, if informal methods fail to resolve the matter satisfactorily, with further proceedings, to be conducted in accordance with the Rules of Procedure approved by the Board under this Section, and in accordance with the following principles: (1) If the grievance alleges that inadequate consideration was given to relevant matters by the person or body that took the action or made the decision that led to the grievance, the Grievance Committee shall investigate the facts, and, if convinced that inadequate consideration of the relevant matters occurred, state the facts found and the respects in which the consideration was inadequate. The Committee may order the matter reconsidered by the appropriate person, group or groups, or recommend that other rectifying action be taken. The Grievance Committee shall not substitute its judgment on the merits for that of the person, group, or groups that previously considered the decision. (2) If the grievance alleges that a discontinuance of a department or program is not bona fide, or that no extraordinary circumstances because of financial exigency exist, the Committee shall investigate and state its factual findings, conclusions, and recommendations in writing, which shall be filed with the Chancellor of the major administrative unit involved, the complainant, and the faculty governing agency.

Article VII.I of [UNK Faculty Senate Constitution](#) of the Bylaws of the University of Nebraska-Kearney provides for the membership and specific responsibilities of the Faculty Grievance Committee and specifies that “The charge to the Professional Conduct Committee is to carry out its functions in an equitable, efficient, and consistent manner in conformity with these Rules of Procedure.”



### **Definitions.**

- (a) Chair. Chair shall mean the chair of the Faculty Grievance Committee, or in his or her absence, the vice chair of the Faculty Grievance Committee.
- (b) Chancellor. Chancellor shall mean the **Chancellor of the** University of Nebraska at Kearney or his or her designated representative.
- (c) Committee. Committee shall mean the University of Nebraska at Kearney Faculty Grievance Committee.

Faculty Member. Faculty member shall mean any individual who is classified for employment purposes as a member of the academic-administrative staff or the other academic staff of the University of Nebraska at Kearney as defined in *Sections 3.1.1.1 and 3.1.1.2 of the Bylaws of the Board of Regents.*

- (d)
- (e) Grievant. Grievant shall mean a Faculty member who files a written complaint before the Faculty Grievance Committee in accordance with these rules.

Grievance. Grievance shall mean a written complaint together with any supporting documentation filed by a grievant with the Chair of the Faculty Grievance

- (f) Committee which if true would constitute a violation of the Grievant's status or rights as a member of the academic-administrative staff of the University of Nebraska at Kearney over which the Committee has jurisdiction.

- (g) Respondent. Respondent shall mean the person, persons or body which took the action or made the decision that is the subject of a grievance.

**(h) Working Day (also "Business Day"):** A Working or Business Day shall be any Monday thru Friday on which University classes are in session or examinations are being held. Working Day shall also be interpreted to include weekdays during which academic operations are ongoing using online resources during periods of emergency declared by the Chancellor.

**(i) Faculty Senate Coordinating Committee (a.k.a. "Super Committee"):** A committee comprised of the President of the Faculty Senate and the Chairs of the Professional Conduct Committee, Grievance Committee, Academic Freedom and Tenure Committee, and UNKEA, for the purpose of coordinating activity among Faculty Senate committees.

### **Time Limit for Filing a Grievance.**

A grievance must be filed not later than one (1) calendar year after the date the grievant becomes aware of the action or decision which led to the grievance; provided, that any grievance of an action or decision to terminate an appointment for a specific term or a special appointment as a member of the academic-administrative staff shall be filed with the Committee not later than forty-five (45) working days prior to the termination date of the appointment, unless the Committee shall find that the grievant has shown

**Section  
1.**

**Section  
2.**



good cause which prevented the filing of the grievance within the last stated time limitation.

### **Initiation of Proceedings.**

#### **Section**

3. Proceedings before the Committee may be initiated by any Faculty member filing a written complaint with the Chair or with the President of the Faculty Senate.

### **Determination of Jurisdiction.**

Upon receiving a complaint, the Chair or President will forward the complaint to the UNK Faculty Senate "Super Committee" to determine if the complaint should be assigned to the Grievance Committee for adjudication. Once the Super Committee in turn assigns the case to the Grievance Committee, then the Chair will call a meeting of the Committee as soon as possible. The Committee will first review the complaint for the purpose of determining whether the facts and circumstances therein alleged constitute a grievance within the jurisdiction of the Committee. If the Committee finds that no grievance has been stated or if the Committee finds that the complaint for any other reason does not fall within its jurisdiction, it will return the complaint to the Super Committee for either reassignment to another committee or to the grievant stating the reasons for the Committee's finding. In making determinations as to jurisdiction, the Committee shall be guided by the *Bylaws of the Board of Regents*. In cases where the Committee has initially declined to accept a complaint as a grievance, a grievant may within seven (7) working days after receipt of written notice of such action refile his or her complaint or file an amended complaint with the Committee, and request that the Committee reconsider its action. The Committee will reconsider the question of whether it should accept the complaint or amended complaint as a grievance. If upon reconsideration the Committee finds that no grievance within its jurisdiction has been stated, or that it does not have jurisdiction, such finding shall be final and there shall be no further proceedings before the Committee with regard to the original or an amended complaint.

#### **Section**

- 4.

### **Adoption of Committee Statement of the Grievance.**

If the Committee accepts a complaint as a grievance, it will then proceed to adopt a Committee Statement of the Grievance. The Committee Statement of the Grievance shall contain (a) the name of the grievant, (b) the name of each respondent, and (c) a statement in ordinary and concise language of the allegations of fact relating to the grievance, including the action or decision which led to the grievance.

#### **Section**

5. The Committee shall first prepare a draft Committee Statement of the Grievance. A copy of the draft Committee Statement of the Grievance shall be delivered to the grievant via e-mail. The Grievant shall thereafter have seven (7) working days to deliver to the chair written recommendations for amendments or revisions to the draft Committee Statement of the Grievance. The Committee shall meet as soon as

reasonably possible thereafter and adopt a final Committee Statement of the Grievance.

### **Service of the Grievance and the Committee Statement of Grievance.**

**Section 6.** The Committee shall send a copy of the final Committee Statement of the Grievance to each respondent, the grievant, the Chancellor, the Vice **Chancellor for Academic Affairs** and the President of the Faculty Senate, The Committee shall also send to each respondent a copy of the written complaint originally filed with the Committee by the Grievant. **All copies and documents required in these procedures may be sent via UNK e-mail systems unless otherwise indicated in these procedures.**

### **Informal Procedures.**

**Section 7.** After service of the Committee Statement of the Grievance as provided in [Section 6](#) of these rules, at the direction of the committee the Chair may take such action as deemed appropriate to settle the grievance by informal methods of adjustment and settlement as provided by *Section 4.13.2 (b)* of the Bylaws of the Board of Regents.

### **Initiation of Formal Procedures and Definition of Issues to be Investigated.**

**Section 8.** Response and Lists of Suggested Witnesses. If the grievance cannot be settled by informal methods of adjustment and settlement as provided in [Section 7](#) above, the Committee shall send written notice to each respondent requesting that within fourteen (14) working days they respond in writing to the Committee Statement of the Grievance and provide a list of suggested witnesses with an indication of the issues in the Committee Statement of the Grievance concerning which each witness is expected to have knowledge. The Committee shall also send written notice to the grievant requesting that within fourteen (14) working days he or she provide a list of suggested witnesses with an indication of the issues in the Committee Statement of the Grievance concerning which each witness is expected to have knowledge.

(a) Copy of Response to Grievant. A copy of the written response from each respondent shall be sent to the grievant.

(b) Scope of Committee Investigation. The written material submitted to the Committee by the grievant and each respondent shall define the issues to be subsequently investigated by the Committee, and no party will be permitted to raise any additional issue unless it can be shown that the facts relating thereto were discovered after the date of the party's written submission to the Committee, or that some other valid reason exists for not raising the issue earlier.

(c) Notice of Meeting with the Committee, The Committee shall give each party and (d) witness no less than seven (7) working days advance, written notice of the date, time and place they will be requested to meet with the Committee.

### **Section 9. Conduct of Formal Investigative Meetings.**

For the purpose of conducting a formal investigation of a grievance, the Committee

may either designate two or more of its members to act as an investigative subcommittee, or it may act as a whole. Meetings may be conducted separately with the grievant, each respondent, and any other persons called by the Committee to meet with it concerning the grievance or the committee may request that the grievant, respondent, or other witnesses attend meetings jointly.

All persons meeting with the Committee will be requested to respond to questions by the Committee and give testimony relevant to the grievance. Any person meeting with the Committee may in addition to his or her oral testimony submit a written statement. The Committee will interview all witnesses suggested by the parties except where it appears that the testimony of a witness would be (a) unduly repetitious of evidence already presented to the Committee, or (b) irrelevant to the grievance. The Committee may also call other witnesses which it believes may have relevant testimony.

#### **Committee Access to Personnel and Student Records.**

**Section 10.** In connection with the formal investigation of a grievance it shall be considered a legitimate educational and institutional interest for the Committee to examine any University personnel and student records considered by any person or body in taking the action or making the decision which is the subject of a grievance. The Committee shall be subject to and shall observe all laws, policies, rules and regulations pertaining to preservation of the confidentiality of such records.

#### **Interference with Committee Investigation.**

**Section 11.** If there is a reasonable basis in fact for the Committee to believe that any individual is in bad faith impeding the Committee's investigation of a grievance pursuant to *Section 4.13.2* of the Bylaws of the Board of Regents, the Committee may refer such matter to the Chancellor or to the Professional Conduct Committee for remedial action.

#### **Standards for Consideration of a Grievance.**

**Section 12.** In its deliberations concerning any grievance, the Committee shall be guided by applicable state and federal law, the *Bylaws of the Board of Regents*, the Bylaws of the University of Nebraska at Kearney, the University of Nebraska Governance Manual, the bylaws, rules or regulations of the relevant administrative units (college, department, division, etc.), and general academic customs and standards. In the event of conflict between different University bylaws, rules or regulations, those of the superior administrative unit shall govern.

Refusal by any person to make documents available, testify, or take personal responsibility for testimony will prevent the Committee from receiving evidence which may be relevant to its investigation of a grievance, and the Committee in its deliberations shall take any such refusals into consideration in making its findings of

fact, decisions and recommendations to the Chancellor.

### **Committee Report.**

Upon completion of an investigation of a grievance, and in accordance with the formal procedures in these rules, the Committee as a whole shall prepare and adopt a report of its findings of fact, order of reconsideration and/or recommendations, as appropriate, pursuant to *Section 4.13.2* of the Bylaws of the Board of Regents and these rules. Any **recommendations** by the Committee shall be relevant to its findings of fact and may include, but not be limited to, the following:

#### **Section 13.**

- (a) Rectifying any grievance found in the report;
- (b) Preventing the recurrence of the grievance, and
- (c) Correcting any deficiencies or abnormalities found in bylaws, rules, regulations or procedures relevant to the grievance.

A report of the Committee shall be promptly delivered to the grievant, each respondent, the Chancellor, the appropriate Vice Chancellor, and the President of the Faculty Senate.

### **Reconsideration Ordered by the Committee.**

#### **Section 14.**

If the report of the Committee orders reconsideration, the Committee shall also recommend in its report the appropriate person, group or groups to accomplish the reconsideration. Upon receipt of a report of the Committee ordering reconsideration, the Chancellor shall forthwith initiate proceedings for reconsideration in accordance with [Section 15](#) of these rules.

### **Process for Reconsideration.**

- The process for the conduct of each reconsideration ordered by the Committee shall be promptly established by a reconsideration oversight panel consisting of
- (a) one person appointed by the Chancellor, a member of the Grievance Committee selected by the Committee, and the President of the Faculty Senate or his/her designee. The process established for each reconsideration shall be fair and expeditious and must be approved by the Chancellor.

#### **Section 15.**

- A copy of the Committee report detailing why it found that the original consideration was inadequate shall become part of the file for reconsideration. The
- (b) reconsideration oversight panel may request that the Committee clarify its reasons for ordering reconsideration .

- Each reconsideration ordered by the Committee shall start with the level at which
- (c) the Committee found inadequate consideration, except the Chancellor may order that a reconsideration shall start in the department.

- (d) If the grievance resulted from termination of an appointment for a specific term,

the grievant shall be informed that he or she may join the reconsideration ordered by the Committee with a reconsideration allowed under *Section 4.8 (a)* of the Bylaws of the Board of Regents. If the grievant exercises this right, further recourse under *Section 4.8 (a)* is barred. The grievant may choose whether the joint action starts at the same level as that ordered by the Committee or at any level below that.

- (e) No subsequent grievance may be taken to the Committee from a reconsideration oversight panel.

#### **Chancellor's Response to Committee Recommendations.**

#### **Section 16.**

If the report of the Committee contains recommendations pursuant to subparagraphs (d) (1) and (d) (2) of Section 4.13.2 of the Bylaws of the Board of Regents, the Chancellor shall review the same and within a reasonable period of time make a written response to the Chair stating (a) Recommendations of the Committee which have been accepted in whole or in part and any action taken as a result thereof, and (b) those recommendations of the Committee which have been rejected in whole or in part and the reasons for such rejection.

#### **General Provisions.**

- Quorum. A quorum for meetings of the Committee shall be a simple majority of all
- (a) members of the Committee who have not been disqualified under [subsection \(e\)](#) of this section.

- Vote required. All issues before the Committee shall be decided by a simple
- (b) majority of all members of the Committee who have not been disqualified under [subsection \(e\)](#) of this section.

- Pending Grievances Continuance of Committee Membership. Any member of a Committee whose term of membership expires while a grievance is pending before
- (c) the Committee shall continue to serve as a member of the Committee with regard to any such pending grievance until the Committee proceedings therein are completed.

#### **Section 17.**

- Consolidation of Grievances. Whenever two or more grievances are pending before the Committee which grieve the same action or decision, the Committee may
- (d) consolidate such grievances into a single case for the purpose of the Committee's proceedings pursuant to these rules.

- Disqualification of Member(s): No member of the Committee shall participate in
- (e) any proceedings of the Committee if he/she is a member of the department of either the Complainant(s) or the Respondent(s), or if he/she would not be capable of impartially considering the evidence and issues before the Committee in the proceedings. Committee members may also choose to recuse themselves from any

specific investigation on the basis of unavailability, lack of appropriate expertise, or a personal conflict of interest. Any member of the Committee may raise the question of disqualification of another member by making a motion to disqualify, which must be seconded and voted on by the remaining Committee members. In the event that one or more members of the Committee are disqualified from participating in a particular set of proceedings, the President of the Faculty Senate shall choose a qualified replacement Committee member.

- Proceedings closed. All proceedings before the Committee under these rules of
- (f) procedure are considered to be investigative in nature and shall not be open to the public.

- Finality of Proceedings When a grievance has been settled by informal procedures or when the Committee has rendered a report on a grievance pursuant to its formal
- (g) procedures, the proceedings of the Committee with respect to such a grievance shall be at an end and the same grievance shall not thereafter be again considered or acted upon by the Committee.

- Withdrawal of a Grievance. Proceedings of the Committee with respect to any
- (h) grievance shall be terminated upon the filing of a written withdrawal of the grievance by the grievant.

Participation by Attorneys in Committee Proceedings Not Allowed. The grievant, a respondent and other persons meeting with the Committee, and the Committee itself, shall not be represented by attorneys who are present at Committee proceedings. The grievant, a respondent and any person meeting with the Committee may at their personal cost and expense be assisted by the private attorney of their choice in preparation of written materials and documents to be submitted to the Committee and in preparation for meeting with the Committee.

- (i) The Committee may request that the General Counsel of the University of Nebraska to provide legal counsel to the Committee. The Committee may also request the advice and assistance of appropriate professional consultants (e.g., a psychiatrist, a technical expert, an ethicist, an accountant, experts within a particular discipline). The Committee shall have the right to select and hire a lawyer not otherwise affiliated with the University to assist it in conducting hearings. The lawyer selected must be agreed to by the General Counsel of the University, the President of the Faculty Senate (or designee), and the Chancellor of UNK (or designee). The Committee also may ask other persons who appear to have knowledge of the matter under investigation to meet with the Committee. The University shall not without good cause refuse to provide financial and other resources necessary for the Committee to obtain such expertise, the cost within reason of such expertise not to be considered good cause.

- (j) Records of Hearings, The committee will maintain voice recordings of all hearings

conducted. A grievant or respondent desiring a written transcript may arrange to obtain one at his or her own expense.

Referral of Findings to Academic Freedom and Tenure Committee or Professional Conduct Committee. At the conclusion of the proceedings of the Committee with respect to a grievance the Committee, the Grievant, a respondent, or the Chancellor may refer to the Academic Freedom and Tenure Committee or the Professional Conduct Committee any finding of the Grievance Committee which may be appropriate for consideration by the Academic Freedom and Tenure Committee or the Professional Conduct Committee.

(k)

(l) All evidence and testimony from witnesses will be fully available to the Grievant and the Grievant will have the opportunity to address questions to and to directly cross examine any witness.

(m) No member of the Committee shall hold any administrative position above the level of Department Chair, regardless of faculty status.

# Professional Conduct Committee Rules and Procedures

Revised  
*Approved 1995*

2020

## INTRODUCTION

The [\*Bylaws of the Board of Regents of the University of Nebraska\*](#) (October 1989 Revision) provide to the faculty governing bodies on each campus the authority to establish a professional Conduct Committee (Regents Bylaws, *Section 4.15*, 1989).

From the Board of Regents Bylaws:

4.15.2 Powers of Professional Conduct Committee. A Professional Conduct Committee shall be empowered:

53(a) To receive complaints from any person charging a member of the professional staff, as defined in Section 3.1.1 of these Bylaws, with professional misconduct. (b) To investigate the facts relevant to the charge and to make factual determinations. Said investigation shall include advising the affected party of the charge, hearing his or her response, and considering any evidence produced by such party. (c) conclude whether there are reasonable grounds to believe that the person against whom the charge is directed committed acts that amount to professional misconduct. (d) To advise the person filing the charge, and any other appropriate person or groups, of the Committee's conclusion and factual findings. (e) To recommend to the appropriate University officer, or group, whether action should be taken with respect to the charge, and the nature of such action. (f) To recommend sanctions less severe than appointment termination where the Committee judges less severe sanctions appropriate.

The University of Nebraska at Kearney Faculty Senate has adopted these Rules of Procedure, and thereby establishes a method for electing a seven (7) member Professional Conduct Committee.

The policies formulated within this document apply to all professional staff activities at the University of Nebraska at Kearney. The term "professional staff" means persons employed at UNK within the definition of professional staff provided in *Sections 3.1.1.1, 3.1.1.2 and 3.1.1.3* of the Bylaws of the Board of Regents.

The charge to the Professional Conduct Committee is to carry out its functions in an equitable, efficient, and consistent manner in conformity with these Rules of Procedure.

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## 1. MEMBERSHIP

### 1.1 Committee Membership and Selection



The Professional Conduct Committee shall consist of seven (7) members. The elected Committee members shall be elected in October of each year by at least a plurality of the Faculty Senate from a list of nominees provided by the Faculty Senate Election Committee. All elected faculty shall be tenured and hold the rank of assistant professor or above.

The committee shall be composed of one (1) faculty member from each of the undergraduate colleges, one Faculty Senator elected by the Faculty Senate, **one at-large member of the faculty not a member of the Faculty Senate**, the Faculty Senate President-elect, and one non-academic Professional Staff member selected by the Administration.

The Committee members shall be classified with respect to the time for which they shall severally hold office by dividing them into two (2) classes, each consisting, as nearly as may be, of one-half of the whole number of the Committee, and all members shall hold office until their successors are elected and qualified. At the meeting held for the election of the first Committee, the members of the first class shall be elected for a term of one year and the members of the second class shall be elected for a term of two years. At each annual election the successors to the class of members whose terms shall expire in that year shall be elected to hold office for a term of two years, so that the term of office of one class of members shall expire each year. In cases of resignation, the Faculty Senate shall elect a replacement to complete the term of the Committee member who has resigned.

### **Disqualification of Committee Members**

No member of the Committee shall participate in any proceedings of the Committee if he/she is a member of the department of either the Complainant(s) or the Respondent(s), or if he/she would not be capable of impartially considering the evidence and issues before the Committee in the proceedings. **Committee members may also choose to recuse themselves from any**

- 1.2 **specific investigation on the basis of unavailability, lack of appropriate expertise, or a personal conflict of interest.** Any member of the Committee may raise the question of disqualification of another member by making a motion to disqualify, which must be seconded and voted on by the remaining Committee members. In the event that one or more members of the Committee is disqualified from participating in a particular set of proceedings, the President of the Faculty Senate shall choose a qualified replacement Committee member.

### **Committee Attendance and Quorum Standards (Added, 4-93)**

- 1.3 1.3.1 A Committee member not attending two successive meetings of the Committee, unless non-attendance is the result of disqualification as noted in [1.2 \(above\)](#), shall be replaced by the President of the Faculty Senate with appropriate professional staff as noted in and consistent with [1.1 \(paragraph 2\)](#) above.

All formal Committee decisions shall be reached by a majority vote of the Committee members except that, in the case of recommendations which may become part of a [Final](#)

[Report \(4.3.3\)](#), five (5) members of the Committee must concur that the preponderance of the evidence supports an allegation in order to sustain any individual charge.

## **2. DEFINITIONS:**

**Chair:** Chair shall mean the chair of the Professional Conduct Committee, or in his or her absence, the vice chair of the Professional Conduct Committee.

**Chancellor:** Chancellor shall mean the Chancellor of the University of Nebraska at Kearney or his or her designated representative.

**Committee:** Committee shall mean the University of Nebraska at Kearney Faculty Professional Conduct Committee.

**Complainant:** Complainant shall mean the individual filing a formal complaint before the Professional Conduct Committee in accordance with these rules.

**Faculty Member:** Faculty member shall mean any individual who is classified for employment purposes as a member of the academic –administrative staff or the other academic staff of the University of Nebraska at Kearney as defined in *Sections 3.1.1.1 and 3.1.1.2* of the Bylaws of the Board of Regents.

**Respondent:** Respondent shall mean the person or persons accused of professional misconduct in the complaint.

**Working Day (also “Business Day”):** A Working or Business Day shall be any Monday thru Friday on which University classes are in session or examinations are being held. Working Day shall also be interpreted to include weekdays during which academic operations are ongoing using online resources during periods of emergency declared by the Chancellor.

**Faculty Senate Coordinating Committee (a.k.a. “Super Committee”):** A committee comprised of the President of the Faculty Senate and the Chairs of the Professional Conduct Committee, Grievance Committee, Academic Freedom and Tenure Committee, and UNKEA, for the purpose of coordinating activity among Faculty Senate committees.

## **3. STANDARDS OF PROFESSIONAL CONDUCT SUBJECT TO COMMITTEE JURISDICTION**

The Committee shall have jurisdiction and authority to investigate complaints charging violations of

standards of professional conduct brought against professional staff at the University of Nebraska at Kearney. "Standards of Professional Conduct" shall be those set forth in the [Bylaws of the Board of Regents of the University of Nebraska](#) including, but not limited to, *Section 3.4* (Conditions of Employment for the Professional Staff), *Section 3.8* (Conflict of Interest), *Section 3.9* (Political Activities of Employees), *Section 3.10* (Patent Policy), *Section 3.11* (Sale of Books and Supplies to Students; Copyrights and Royalties), and *Section 4.1* (Academic Responsibility), along with any standards of professional rights and duties as prescribed by the University of Nebraska Board of Regents, federal, state, and local laws, and generally accepted professional rights and duties of the academic community. In addition, the following standards are established as standards of professional conduct for all professional staff. A professional staff member:

Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, and the general citizenry;

Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition;

Shall not use coercive means or promise special treatment to students, colleagues, or the general citizenry in order to influence professional decisions;

Shall not make any fraudulent statement or fail to disclose a material fact for which the professional staff member is responsible unless disclosure results in a breach of professional confidentiality;

Shall not engage in any activity that could be characterized as research or scholarship misconduct, including the fabrication or falsification of data, plagiarism, misrepresentation, or the failure to conduct research in accordance with the requirements of any outside funding source.

Shall not exploit professional relationships with students, colleagues, or the general citizenry for personal gain or private advantage;

Shall not sexually harass students or colleagues or other persons with whom the professional staff member comes in contact in his/her professional capacity;

Shall recuse herself/himself from all circumstances in which the professional staff or faculty member bears primary authority and accountability as a mentor, educator, evaluator, or supervisor over any student, faculty, or staff with whom the professional staff member is involved in a consensual romantic or sexual relationship (The policy is set forth in the ***Professional Conduct Committee - Consensual Relationships Policy***);

Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties;

Shall not use institutional staff position or privilege for private gain or to promote political candidates, political issues, or partisan political activities;

Shall not commit any act of moral turpitude nor commit any felony under the laws of the United States, or any state or territory;

Shall not misrepresent his/her professional qualifications nor those of his/her colleagues;

Shall neither accept nor offer gifts or favors that will impair professional judgment;

Shall support established principles of due process;

Shall seek no reprisal against any person who in good faith alleges a violation of this section;

Shall attend with reasonable diligence to the duties of his/her professional position;

Shall conduct professional business through designated procedures, when available, that have been approved and are recognized by the institution and its various entities;

Shall permit no commercial or personal exploitation of his/her professional position.

The Committee also shall have the authority to interpret and apply the foregoing standards, rights, and duties of professional conduct for members of the professional staff.

#### **4. PRESUMPTION OF INNOCENCE**

Any professional staff member who is accused of professional misconduct under the procedures provided herein shall be presumed innocent by the Committee. The burden of proving professional misconduct shall be upon the Complainant and the accompanying investigation and inquiry, if any.

Unless there is good reason to believe that interim administrative action is required to protect the interests of the public and the University, no administrative or academic sanctions will be placed on any faculty or staff member under investigation until the Committee's Final Report is issued and responded to by administration.

#### **5. JURISDICTION**

The Committee's jurisdiction extends to all matters of professional misconduct alleged against full and part-time faculty and staff.

No administrative investigation or procedure shall supersede or substitute for the role of the Professional Conduct Committee in its advisory capacity to administration in regard to professional misconduct, except as provided for under "Interim Administrative Action" below.

The scope of authority of the Committee shall extend to all activities which involve alleged professional misconduct associated with University of Nebraska at Kearney employment and is

inclusive of all matters associated with alleged research or scholarship misconduct except as provided for the investigation of misconduct for “controlled and sponsored research” under the auspices of the Office of Research Compliance.

## 6. RULES OF PROCEDURE

### Initiation of Proceedings

Complaints of professional misconduct may be made by any person and shall be directed to the Faculty Senate “Super Committee” through the Chair of the Professional Conduct Committee or the President of the Faculty Senate. The “Super Committee” will make an initial determination of the Senate committee with appropriate jurisdiction and formally assign the case to the Professional Conduct Committee if appropriate. Such a complaint must be in writing and shall conform with the Guidelines for Submitting Complaints contained herein at [item 7](#). A formal complaint may be brought to the Committee only after all other internal means of resolution have been exhausted.

- If the allegation involves the safety of human or animal subjects or violations of regulations in the use of biohazardous materials, the Committee shall inform the University of Nebraska at Kearney Dean for Graduate Studies as to the nature of the allegations so that he/she can inform the University of Nebraska Institutional Review Board for the Protection of Human Research Subjects that such allegations have been made. The chairperson of the Committee shall notify the Respondent(s) that such notification has occurred.

Meetings of the Committee shall be scheduled when a minimum of six (6) members are able to be present. All proceedings of the Committee shall be kept confidential and every effort shall be made to keep confidential the names of the Complainant(s) and of the Respondent(s), except when reasonable inquiry and investigation require disclosure. Detailed documentation collected during the inquiry shall be securely maintained by the Committee. Such records shall be made available, when federal law so requires, to authorized personnel of the federal government. All meetings of the Committee shall be closed to the public.

If a complaint names multiple Respondents, the Committee may choose to separate the complaints into multiple individual complaints for separate adjudication. Likewise, if the Committee receives multiple complaints concerning separate Respondents, the Committee may choose to consolidate the complaints into a single case for the purpose of the Committee’s proceedings pursuant to these rules.

### Sufficiency of Complaint and Determination of Jurisdiction-Inquiry

- 6.2 Immediately upon receiving a complaint, or as soon thereafter as is practically possible, the chairperson of the Committee shall provide written notification to the person/s filing the complaints that the allegation has been received, the date on which the complaint(s) was received

and a copy of the Professional Conduct Committee Rules of Procedure. The Committee chairperson shall likewise send written notification to the professional staff member(s) named in the allegation specifying the nature of the allegation, a copy of the complaint and any accompanying materials received with the complaint, when the allegation was received and a copy of the Professional Conduct Committee Rules of Procedure.

The chairperson shall call a meeting of the Committee as soon as is practicable within fourteen (14) working days after a written complaint is received, though the Chairperson at his or her discretion and in consultation with the President of the Faculty Senate, may delay response based on practical considerations including those arising from emergency conditions on campus. At the discretion of the Chairperson in consultation with the President of the Faculty Senate, a “virtual” meeting of the Committee using online technologies is permitted.

If the use of alternate members is required, the reformed Committee shall meet as soon as is practicable after the first meeting.

The written complaint, along with any documentary evidence submitted, shall be considered for the purpose of determining (a) whether or not such proceedings fall within the jurisdiction of the Committee, and (b) whether or not the complaint is of sufficient import to warrant formal proceedings before the Committee. If the Committee finds that the complaint is insufficient or that the complaint lies outside of its jurisdiction, it will communicate such a finding in writing to the Complainant and Respondent setting forth the reasons for the Committee's finding. If the Complainant disagrees with the Committee's finding, s/he shall have seven (7) working days to resubmit or amend the complaint for reconsideration by the Committee, though the Committee may extend that deadline for special circumstances. Upon receipt of the resubmitted or amended complaint, the Committee shall meet to reconsider its original decision. If the Committee affirms its original decision that the complaint is insufficient, such decision shall be final.

If the complaint in the opinion of the Committee lies outside the jurisdiction of the Committee, the Committee will refer the complaint back to the Super Committee for potential reassignment to another Committee.

## **Inquiry**

### **Right of Respondent to File an Answer**

- 6.3 The respondent shall have fourteen (14) working days in which to file a written Answer to the Complaint with the Chair of the Committee. If the respondent fails to file an answer within the specified time period, the Committee will find in favor of the Complainant by default.. In special circumstances. the Committee may extend the fourteen (14) day period for good and sufficient reasons.
- 6.3.1

An Answer shall include at a minimum,

- a written statement from the Respondent which responds to and specifically addresses the allegations contained in the complaint;
- pertinent relevant and documented evidence supporting the Respondents position; and:
- a listing of witnesses (if any) who may be called upon by the Respondent

## **Inquiry**

Upon receipt of the Respondent's Answer the Committee shall commence an Inquiry in order to determine whether an allegation or apparent instance of professional misconduct warrants a full and complete investigation. The Inquiry shall be completed within forty-five (45) **working** days from the date of receipt of the Answer unless circumstances clearly warrant a longer time period. During the Inquiry period the Committee may request and secure additional information from the Complainant, the Respondent and /or other sources or witnesses which may have information of value to the inquiry process.

## **Inquiry Report**

At the conclusion of the Inquiry a written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusion of the inquiry. The report shall be delivered to the Complainant(s), the Respondent(s), the President of the Faculty Senate, and to the Chancellor, or his/her designee, if the University is required to notify and/or report to any **external** regulatory agency **then to that agency as well**

The Inquiry Report shall contain full explication of the specific standards of professional conduct that are alleged to have been violated, the specific actions alleged which, if substantiated, constitute a violation of those standards, a clear listing of all evidence reviewed by the Committee during the Inquiry and the Committee's preliminary findings.

6.3.3 Preliminary findings include but are not limited to (a) dismissal of the Complaint for insufficiency, (b) recommendations for informal resolution of the complaint short of continuation to the full investigative process and/or (c) institution of the full investigative process as enumerated in [Section 5](#) of these Rules.

Should the Committee's preliminary findings result in a decision to dismiss the complaint, the Complainant shall have seven (7) calendar days to ask for reconsideration of the decision to dismiss. The Committee shall respond to such a reconsideration request within seven (7) **working** days of receipt of the request, **though the Committee may extend that deadline for special circumstances.**

Should the Committee's Preliminary Findings result in a recommendation for informal resolution, the Committee will clearly present the alternatives to both the Complainant and

the Respondent. Each party shall have seven (7) **working** days to respond to the recommendations. If either party or both parties decline the recommended resolution, the matter will proceed immediately to hearing.

## **7. INVESTIGATION AND HEARING**

### **Conduct of Hearings**

The Committee shall conduct one or more hearings for the purpose of ascertaining the facts relevant to the allegations contained in the Inquiry Report.

An **audio recording** of the hearing(s) shall be made and the record securely retained by the Committee. At the initial hearing, only the Complainant, the Respondent, and counsel or an advisor for any party shall be present. The Committee may hold further hearings at which the Complainant, Respondent, and relevant witnesses may be present. Witnesses will be present and interviewed one at a time. The Committee chairperson shall preside over the meeting, but all members of the Committee may participate in the questioning of the Complainant(s), Respondent(s), and the witnesses.

The Complainant, the Respondent, and the Committee shall exchange with each other at least four (4) working days prior to the meetings, a list of the names, addresses, and telephone numbers of all of the witnesses each has requested to appear before the Committee. All persons meeting with the Committee will be requested to respond to questions by the Committee and give testimony relevant to the statement of charges. Any person meeting with the Committee may

5.1 submit a written statement.

During Hearings, the Complainant(s) and Respondent(s) may be assisted by counsel or by an advisor of their choice. **The Respondent and his or her counsel may be present throughout all testimony by all witnesses. The Respondent and/or the Respondent's counsel shall have the right to peruse all evidence and to cross-examine all witnesses.**

The Committee may request that the General Counsel of the University of Nebraska to provide legal counsel to the Committee. The Committee may also request the advice and assistance of appropriate professional consultants (e.g., a psychiatrist, a technical expert, an ethicist, an accountant, experts within a particular discipline). **The Committee shall have the right to select and hire a lawyer not otherwise affiliated with the University to assist it in conducting hearings. The lawyer selected must be agreed to by the General Counsel of the University, the President of the Faculty Senate (or designee), and the Chancellor of UNK (or designee).** The Committee also may ask other persons who appear to have knowledge of the matter under investigation to meet with the Committee. **The University shall not without good cause refuse to provide financial and other resources necessary for the Committee to obtain such expertise, the cost within reason of such expertise not to be considered good cause.**



Hearings shall be scheduled to ensure that both Complainant and Respondent may be present. Absence of the Complainant from a Hearing will result in dismissal of the Complaint. Absence of the Respondent from the Hearing will result in a default judgment for the Complainant.

Complainant and Respondent (or Respondent's counsel) may directly cross-examine each other under the strict application of rules established by the Committee and enforced by the Chair of the Committee or the hearing officer. The process of cross-examination shall adhere to rigid standards of decorum, civility, and dignity.

### **Rights to Hearing Information**

5.2 The recorded record of all hearings shall be retained by the Committee. Written transcriptions of hearings shall be made only at the request of one of the two parties in the matter at hand or by the Committee. The requesting party will bear the full cost of transcription. Further, any written transcriptions must be done by a disinterested third party acceptable to the Committee. Copies of any written transcription(s) shall be provided to the Committee, the Complainant and the Respondent.

## **8. FINAL REPORT**

### **Committee Findings and Final Report**

As soon as reasonably possible after conclusion of the Hearing(s), the Committee shall meet and adopt a Final Report. This Committee meeting shall be scheduled such that five (5) of the committee must concur that the preponderance of the evidence supports an allegation in order to sustain any individual charge. The individual vote will be kept confidential. All other committee decisions shall be reached by majority vote of the Committee members. The Final Report of the Committee shall contain at a minimum the following:

- (A) The Inquiry Report which includes the specific standards of professional conduct that are alleged to have been violated and the alleged actions which violated the standards;
- (B) Findings of fact relating to the allegations contained in the Investigation Statement;
- (C) The Committee's conclusions, supported by a preponderance of the evidence, regarding whether the Respondent committed an act or acts of professional misconduct; and
- (D) The Committee's recommendations for action based upon its findings of fact and conclusions.

### **Time Requirements**

8.2 The Committee shall issue the Final Report within thirty (30) working days from the conclusion

of the hearings. If the Committee determines, at the end of thirty (30) **working** days, that it cannot complete its investigation and related activities within the thirty (30) day period, it must advise the Faculty Senate President of this determination. The Chancellor shall also be advised of the potential delay if federal regulations require the University to request the Office of Scientific Integrity for an extension of time. If an extension of time is necessary and if the Chancellor is required by external regulations to submit an interim report to a federal agency, the Committee shall prepare a written report which shall include the Committee's progress to date, an explanation for the delay, and an estimate for the date of completion. The anticipation of an extension of time shall be communicated in writing to the Complainant(s) and the Respondent(s).

**The Chair of the Committee may sign the Final Report on behalf of the Committee, recording the Committee votes in support of the Report with no requirement to identify in the Report the individual votes of individual members.**

### **Committee Recommendations**

Recommendations of the Committee may include the following:

- If the allegations are not sustained, the Respondents is exonerated. When appropriate, the Committee may include a plan of action designed to restore the reputation of those under investigation. (A) **The Committee, through its Chair, has the authority to inform the respondent of his or her rights to file a counter complaint or grievance against the complainant.**

If the allegations are sustained, recommendations may include one or more of the following:

- 8.3 (1) Censure of the Respondent(s), including a written letter of censure placed in the Respondent's(s') personnel file;
- (2) Restitution or redress of the consequences of the professional misconduct;
- (3) Removal of the Respondent(s) from an administrative position;
- (B) (4) Alteration in the assignment of duties of the Respondent(s);
- (5) Non-reappointment of the Respondent(s) at the end of a Specific - Term Appointment; and/or
- (6) Other actions consistent with the intent of and or provided for within the Regents Bylaws.

9. **WITHDRAWAL OF COMPLAINT**A complaint or allegation may be withdrawn at any time by the person(s) submitting the complaint. If the complaint or allegation is withdrawn at any time the Committee shall take no further action.

10. **RESIGNATION OF RESPONDENT**If the Respondent resigns or other wise terminates his/her relationship with the University, the Committee shall take no further action.

#### **11. TRANSMISSION OF NOTICES**

For purposes herein, notices shall be deemed received when they are personally delivered or are deposited in the U.S. Mail with first class postage pre-paid, and properly addressed to the individual's current residential address on file with the University of Nebraska at Kearney's Office of Human Resources or to the University of Nebraska at Kearney office of the individual by way of Campus Mail. However, under some circumstances and at the discretion of the Chair it may be deemed sufficient to communicate with either the Respondent or the Complainant via UNK e-mail.

#### **12. ROLE OF THE PRESIDENT OF THE FACULTY SENATE**

The President of the Faculty Senate shall be informed of all actions taken by the Committee including all advice and recommendations given to the Chancellor or other University administrators by the Committee.

#### **13. DELIVERY OF THE FINAL REPORT AND DISPOSITION OF RECOMMENDATIONS**

The Final Report of the Committee shall be delivered to the University of Nebraska at Kearney Chancellor, the President of the Faculty Senate, the Complainant(s) and the Respondent(s). The Chancellor or other University officers will be requested to carry out the recommendations' sanctions, if any, in accordance with the Bylaws and Policies of the Board of Regents.

A copy of all filings, Committee documents, and a record of all proceedings and deliberations of the Committee shall be retained and secured by the Committee. The Final Report shall not be made public, except in response to a subpoena or other judicial process. It may, however, be delivered to any federal regulatory agency which by law is entitled to such delivery.

The Chancellor, or his/her designee, shall deliver, within thirty working (30) days, a written response to the Final Report to the chairperson of the Committee and the President of the Faculty Senate. The Chancellor's response shall include any action taken or yet to be taken by the Chancellor pursuant to the Committee's recommendations. If the Chancellor fails or refuses to act upon the Committee's recommendations, the written response shall include reasons for such failure or refusal.

#### **14. INTERIM ADMINISTRATIVE ACTION**

If at any time during the period of inquiry or investigation, the Committee believes that interim administrative actions should be taken to protect the welfare of human or animal subjects of research, prevent inappropriate use of funds, or otherwise protect the interests of the public and the University, the Committee chairperson shall so inform the Chancellor and the President of the Faculty Senate. When warranted, the Chancellor or his/her designee shall notify the Director of the Office of Scientific Integrity (OSI) as prescribed in 42 C.F.R. S50.105(a). When there is a reasonable indication of possible criminal offense, the Chancellor shall notify the Office of Scientific Integrity within 24 hours. If the allegation involves the safety of human or animal subjects or violations of regulations in the use of biohazardous materials, the Committee shall inform the Dean of Graduate Studies, the Research Services Council or other appropriate entities that such allegations have been made. The chairperson

of the Committee shall notify the Respondent that such notification has occurred.

**15. Guidelines for Submitting Complaints to the Professional Conduct Committee**

(1) Indicate your name, office address, home address, and telephone numbers.

Name the professional staff member(s) of the University of Nebraska at Kearney against whom  
(2) the complaint is being lodged. Provide titles, departments, addresses, and telephone numbers (if known).

Name any other agency, organization, University of Nebraska at Kearney committee, or  
(3) University of Nebraska at Kearney administrator, if any, to whom you previously submitted this complaint, and explain the current status of your proceedings with any such person or group.

State your complaint clearly and completely. Explain why you feel there is sufficient reason to  
(4) lodge the complaint and list the specific action, including the place(s) and date(s) (if known) when the infraction(s) occurred, the names, office and home addresses and telephone numbers of witnesses, and other documents or facts which you think support your allegation(s).

(5) Sign and date each page of the written complaint.

**16. Amendment of the Professional Conduct Committee Rules of Procedure**

17.

18. These rules may be amended by motion duly made and seconded at any business meeting of the University of Nebraska at Kearney Faculty Senate. Any such amendment shall become effective upon a successful majority vote of eligible Faculty Senate members at the business meeting next following the motion to amend.

*(Adopted by the University of Nebraska at Kearney Faculty Senate, December 5, 1991; revised, January 12, 1995; revised March 15, 2005)*

April 23, 2020

**2020**  
**DAVID STEVENSON FACULTY SENATE DISTINGUISHED SERVICE**  
**AWARD**

This annual award to a past or current *UNK Faculty Senator* recognizes  
exceptional commitment to the

***Honor, Integrity, Importance, and Seriousness of Serving as a UNK Faculty Senator***

1999:	ROBERT YOUNG, CB&T	2011:	MARK HARTMAN, CFAH
	DALE ZIKMUND, CB&T	2012:	AARON DIMOCK, CFAH
2000:	ANN YOUNG, CNSS	2013:	SCOTT DARVEAU, CNSS
2001:	ANNABELL ZIKMUND, CFHA	2014:	STEPHEN AMUNDSON, CB&T
2002:	KAY HODGE, CB&T	2015:	JEREMY DILLON, CNSS
	ROGER DAVIS, CNSS	2016:	LARRY PETERSON, CFAH
2003:	DARYL KELLEY, CNSS	2017:	DARYL KELLEY, CNSS
2005:	RICK MILLER, CNSS	2018:	CLAUDE LOUISHOMME, CAS
2006:	MARTHA KRUSE, CFAH		DAWN MOLLENKOPF, COE
2007:	BILL WOZNAK, CNSS	2019:	ROGER DAVIS, CAS
2008:	SCOTT DARVEAU, CNSS	2020:	
2009:	LARRY THEYE, CB&T	2021:	
2010:	DAREN SNIDER, CFAH	2022:	

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NOMINATION Ballot: 2020 David Stevenson UNK Faculty Senate Distinguished Service Award  
Please return/mail ballot to Faculty Senate Secretary by May 29, 2020

Date: \_\_\_\_\_

NOMINEE (Past or Current UNK Faculty Senator): \_\_\_\_\_

Nominated By Outgoing, Continuing or Incoming Faculty Senator: \_\_\_\_\_

Seconded By Outgoing, Continuing, or Incoming Faculty Senator: \_\_\_\_\_

**Please provide a brief statement below in support of nomination:**

## **The David Stevenson Hamster Wheel Award for service to the Faculty Senate**

The Hamster Wheel award was begun by Senator David Clark, following the death of David Stevenson on Jan. 12, 1997. Professor Stevenson was a member of the History Department for 30 years and served as Secretary of the Faculty Senate and chair of the General Studies Committee.

He was a spokesperson for the ideals of intellectual discourse, who challenged us to live up to our academic values in a way that demonstrated decency and civility while engaged in rigorous debate. Professor Stevenson was a loyal senate supporter and strong believer in the principle and practice of shared governance which is the core of the Faculty Senate's mission.

Professor Stevenson wrote a satirical review following each Senate meeting called the "Hamster Wheel," where he reviewed the meeting, and also lampooned the foibles of the Senate. His self-depreciating sense of humor reminded us to not take ourselves too seriously. The Stevenson "Hamster Wheel" was a welcome and anticipated read across the campus.

In 2012, the name of the award was changed to the David Stevenson Faculty Senate Distinguished Service Award.

In his memory, we present this award to a senator who has demonstrated honor, integrity, and seriousness while serving on the Faculty Senate.